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LEGISLATIVE HISTORY
Public Law 91-579
H.R. 19846

TABLE OF CONTENTS

Index and summary of H.R. 19846.....	1
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INDEX AND SUMMARY OF H.R. 19846

- Nov. 23, 1970 Rep. Purcell and others introduced H.R. 19846 which was referred to House Agriculture Committee. Print of bill as introduced.
- Nov. 24, 1970 Sen. Dole introduced S.4539 which was referred to Senate Commerce Committee. Print of bill as introduced.
- House committee voted to report H.R. 19846.
- Dec. 1, 1970 House committee reconsidered previous action on H.R. 19846 and ordered it re-reported with amendment.
- Dec. 2, 1970 House committee reported with amendment5H.R. 19846. H. Rept. 91-1651. Print of bill and report.
- Dec. 7, 1970 House passed as amended H.R. 19846 under suspension of Rules.
- Dec. 8, 1970 Senate passed without amendment H.R. 19846. Print of bill as passed.
- Dec. 24, 1970 Approved: P.L. 91-579

91ST CONGRESS
2D SESSION

H. R. 19846

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 23, 1970

Mr. PURCELL (for himself, Mr. ABBITT, Mr. BELCHER, Mr. FOLEY, Mr. JONES of North Carolina, Mr. KLEPPE, Mr. LOWENSTEIN, Mrs. MAY, Mr. MAYNE, Mr. MELCHER, Mr. MONTGOMERY, Mr. POAGE, Mr. PRICE of Texas, Mr. RARICK, Mr. SEBELIUS, Mr. SISK, Mr. ZWACH, and Mr. WHITEHURST) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Animal Welfare Act
4 of 1970".

5 SEC. 2. The first section of the Act of August 24, 1966
6 (Public Law 89-544; 80 Stat. 350) , as amended, is amended
7 to read as follows: "That, in order to protect the owners of
8 animals, from the theft of their animals, to prevent the sale or
9 use of animals which have been stolen, and to insure that cer-

tain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use.”

SEC. 3. Section 2 of such Act is amended—

(1) in subsection (b) by striking the semicolon after the word “Agriculture” and inserting the following: “of the United States or his representative who shall be an employee of the United States Department of Agriculture;”;

(2) in subsection (c) by striking the words “commerce between any State,” and inserting in lieu thereof the words “trade, traffic, commerce, transportation among the several States, or between any State,”;

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

“(d) The term ‘affecting commerce’ means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, ex-

1 hibition, or held for sale as pets, by burdening or obstructing
2 or substantially affecting commerce or the free flow of com-
3 merce;

4 “(e) The term ‘research facility’ means any school (ex-
5 cept an elementary or secondary school), institution, organi-
6 zation, or person that uses or intends to use live animals in
7 research, tests, or experiments, and that (1) purchases or
8 transports live animals affecting commerce, or (2) receives
9 funds under a grant, award, loan, or contract from a depart-
10 ment, agency, or instrumentality of the United States for the
11 purpose of carrying out research, tests, or experiments: *Pro-*
12 *vided*, That the Secretary may exempt, by regulation, any
13 such school, institution, organization, or person that does not
14 use or intend to use live dogs or cats, except those schools,
15 institutions, organizations, or persons, which use substantial
16 numbers (as determined by the Secretary) of live animals
17 the principal function of which schools, institutions, organiza-
18 tions, or persons, is biomedical research or testing, when in
19 the judgement of the Secretary, any such exemption does
20 not vitiate the purpose of this Act;

21 “(f) The term ‘dealer’ means any person who for com-
22 pensation or profit delivers for transportation, or transports,
23 except as a common carrier, buys, or sells any animals
24 whether alive or dead, affecting commerce, for research or
25 teaching purposes or for exhibition purposes or for use as

1 pets, but such term excludes any retail pet store except such
2 store which sells any animals to a research facility, an ex-
3 hibitor, or a dealer;

4 “(g) The term ‘animal’ means any live or dead dog, cat,
5 monkey (nonhuman primate mammal), guinea pig, ham-
6 ster, rabbit, or such other warm-blooded animal, as the Sec-
7 retary may determine is being used, or is intended for use,
8 for research, testing, experimentation, or exhibition purposes,
9 or as a pet; but such term excludes horses not used for re-
10 search purposes and other farm animals, such as, but not lim-
11 ited to livestock or poultry, used or intended for use as food
12 or fiber, or livestock or poultry used or intended for use for
13 improving animal nutrition, breeding, management, or
14 production efficiency, or for improving the quality of food
15 or fiber; and

16 “(h) The term ‘exhibitor’ means any person (public or
17 private) exhibiting any animals, which were purchased in
18 commerce or the intended distribution of which affects com-
19 merce, or will affect commerce, to the public for compensa-
20 tion, as determined by the Secretary, and such term in-
21 cludes carnivals, circuses, and zoos exhibiting such animals
22 whether operated for profit or not; but such term ex-
23 cludes retail pet stores, organizations sponsoring and all
24 persons participating in State and country fairs, livestock
25 shows, rodeos, purebred dog and cat shows, and any other

1 fairs or exhibitions intended to advance agricultural arts and
2 sciences, as may be determined by the Secretary.”

3 SEC. 4. Section 3 of such Act is amended—

4 (1) in the first sentence thereof after the words
5 “licenses to dealers” by inserting the words “and
6 exhibitors”;

7 (2) in the first proviso thereof after the words
8 “until the dealer” by inserting the words “or exhibitor”;

9 (3) in the second proviso thereof after the words
10 “That any” by inserting the words “retail pet store or
11 other”;

12 (4) in the second proviso thereof after the words
13 “as a dealer” insert the words “or exhibitor”; and

14 (5) in the last sentence thereof after the words “as
15 dealers” each time such words appear, insert the words
16 “or exhibitors”.

17 SEC. 5. Section 4 of such Act is amended to read as
18 follows:

19 “SEC. 4. No dealer or exhibitor shall sell or offer to
20 sell or transport or offer for transportation, affecting com-
21 merce, to any research facility or for exhibition or for use
22 as a pet any animal, or buy, sell, offer to buy or sell, trans-
23 port or offer for transportation, affecting commerce, to or
24 from another dealer or exhibitor under this Act any animal,
25 unless and until such dealer or exhibitor shall have obtained a

1 license from the Secretary and such license shall not have
2 been suspended or revoked.”

3 SEC. 6. Section 5 of such Act is amended—

4 (1) by inserting after the words “No dealer” the
5 words “or exhibitor”; and

6 (2) by inserting before the period at the end thereof
7 the proviso “: *Provided*, That operators of auction sales
8 subject to section 12 of this Act shall not be required to
9 comply with the provisions of this section”.

10 SEC. 7. Section 6 of such Act is amended by inserting
11 after the words “research facility” the words “and every ex-
12 hibitor not licensed under section 3 of this Act”.

13 SEC. 8. Section 7 of such Act is amended—

14 (1) by inserting between the words “except” and
15 “a person” the words “an operator of an auction sale
16 subject to section 12 of this Act or”; and

17 (2) by inserting between the words “as a dealer”
18 and “issued” the words “or exhibitor”.

19 SEC. 9. Section 8 of such Act is amended—

20 (1) by inserting after the words “or experimenta-
21 tion” the words “or exhibition”;

22 (2) by inserting between the words “except” and
23 “a person” the words “an operator of an auction sale sub-
24 ject to section 12 of this Act”; and

(3) by inserting between the words “as a dealer” and “issued” the words “or exhibitor”.

SEC. 10. Section 9 of such Act is amended to read as follows:

“SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person.”

SEC. 11. Section 10 of such Act is amended to read as follows:

“SEC. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live

1 dogs and cats. Such records shall be made available at all
2 reasonable times for inspection and copying by the Secre-
3 tary.”

4 SEC. 12. Section 11 of such Act is amended—

5 (1) by striking the words “dogs and cats” and
6 inserting in lieu thereof the word “animals”;

7 (2) by striking the words “in commerce by any
8 dealer” and inserting in lieu thereof the words “, affect-
9 ing commerce, by a dealer or exhibitor”; and

10 (3) by striking the period at the end thereof and
11 inserting the following: “: *Provided*, That only live dogs
12 and cats need be so marked or identified by a research
13 facility.”.

14 SEC. 13. Section 12 of such Act is amended to read as
15 follows:

16 “SEC. 12. The Secretary is authorized to promulgate hu-
17 mane standards and recordkeeping requirements governing
18 the purchase, handling, or sale of animals, affecting com-
19 merce, by dealers, research facilities, and exhibitors at auction
20 sales and by the operators of such auction sales. The Secre-
21 tary is also authorized to require the licensing of operators
22 of auction sales where any dogs or cats are sold, affecting
23 commerce, under such conditions as he may prescribe, and
24 upon payment of such fee as prescribed by the Secretary
25 under section 23 of this Act.”

1 SEC. 14. Section 13 of such Act is amended to read as
2 follows:

3 “SEC. 13. The Secretary shall promulgate standards to
4 govern the humane handling, care, treatment and transporta-
5 tion of animals by dealers, research facilities, and exhibitors.
6 Such standards shall include minimum requirements with re-
7 spect to handling, housing, feeding, watering, sanitation, ven-
8 tilation, shelter from extremes of weather and temperatures,
9 adequate veterinary care, including the appropriate use of
10 anesthetic, analgesic or tranquilizing drugs, when such use
11 would be proper in the opinion of the attending veterinarian
12 of such research facilities, and separation by species when the
13 Secretary finds such separation necessary for the humane han-
14 dling, care, or treatment of animals. In promulgating and
15 enforcing standards established pursuant to this section, the
16 Secretary is authorized and directed to consult experts, in-
17 cluding outside consultants where indicated. Nothing in this
18 Act shall be construed as authorizing the Secretary to promul-
19 gate rules, regulations, or orders with regard to design, out-
20 lines, guidelines, or performance of actual research or
21 experimentation by a research facility as determined by such
22 research facility: *Provided*, That the Secretary shall require,
23 at least annually, every research facility to show that profes-
24 sionally acceptable standards governing the care, treatment,

1 and use of animals, including appropriate use of anesthetic,
2 analgesic, and tranquilizing drugs, during experimentation
3 are being followed by the research facility during actual
4 research or experimentation.”

5 SEC. 15. Section 14 of such Act is amended by adding
6 at the end thereof the following new sentence: “Any depart-
7 ment, agency, or instrumentality of the United States exhibit-
8 ing animals shall comply with the standards promulgated by
9 the Secretary under section 13.”

10 SEC. 16. Section 15 of such Act is amended—

11 (1) in subsection (a) by striking the words “or
12 experimentation” and inserting in lieu thereof the words
13 “, experimentation or exhibition”; and

14 (2) in subsection (b) by striking the word “ef-
15 fectuating” and inserting in lieu thereof the words
16 “carrying out”.

17 SEC. 17. Section 16 of such Act is amended to read as
18 follows:

19 “SEC. 16. (a) The Secretary shall make such investi-
20 gations or inspections as he deems necessary to determine
21 whether any dealer, exhibitor, research facility, or operator
22 of an auction sale subject to section 12 of this Act, has vio-
23 lated or is violating any provision of this Act or any regula-
24 tion or standard issued thereunder, and for such purposes,
25 the Secretary shall, at all reasonable times, have access to

1 the places of business and the facilities, animals, and those
2 records required to be kept pursuant to section 10 of any
3 such dealer, exhibitor, research facility, or operator of an
4 auction sale. The Secretary shall promulgate such rules and
5 regulations as he deems necessary to permit inspectors to
6 confiscate or destroy in a humane manner any animal found
7 to be suffering as a result of a failure to comply with any
8 provision of this Act or any regulation or standard issued
9 thereunder if (1) such animal is held by a dealer, (2) such
10 animal is held by an exhibitor, (3) such animal is held by a
11 research facility and is no longer required by such research
12 facility to carry out the research, test, or experiment for
13 which such animal has been utilized, or (4) such animal is
14 held by an operator of an auction sale.

15 “(b) Any person who forcibly assaults, resists, opposes,
16 impedes, intimidates, or interferes with any person while en-
17 gaged in or on account of the performance of his official duties
18 under this Act shall be fined not more than \$5,000, or im-
19 prisoned not more than three years, or both. Whoever, in the
20 commission of such acts, uses a deadly or dangerous weapon
21 shall be fined not more than \$10,000, or imprisoned not more
22 than ten years, or both. Whoever kills any person while en-
23 gaged in or on account of the performance of his official duties
24 under this Act shall be punished as provided under sections
25 1111 and 1114 of title 18, United States Code.

1 “(c) For the efficient administration and enforcement of
2 this Act, the provisions (including penalties) of sections 6, 8,
3 9, and 10 of the Act entitled “An Act to create a Federal
4 Trade Commission, to define its powers and duties, and for
5 other purposes,” approved September 26, 1914 (38 Stat.
6 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (ex-
7 cept paragraphs (c) through (h) of section 6 and the last
8 paragraph of section 9), and the provisions of title II of
9 the “Organized Crime Control Act of 1970” (62 Stat. 856;
10 18 U.S.C. 6001 *et seq.*), are made applicable to the
11 jurisdiction, powers, and duties of the Secretary in adminis-
12 tering and enforcing the provisions of this Act and to any
13 person, firm, or corporation with respect to whom such
14 authority is exercised. The Secretary may prosecute any
15 inquiry necessary to his duties under this Act in any part of
16 the United States, including any territory, or possession
17 thereof, the District of Columbia, or the Commonwealth of
18 Puerto Rico. The powers conferred by said sections 9 and 10
19 of the Act of September 26, 1914, as amended, on the district
20 courts of the United States may be exercised for the purposes
21 of this Act by any district court of the United States. The
22 United States district courts, the District Court of Guam, the
23 District Court of the Virgin Islands, the highest court of
24 American Samoa, and the United States courts of the other
25 territories, are vested with jurisdiction specifically to enforce,

1 and to prevent and restrain violations of this Act, and shall
2 have jurisdiction in all other kinds of cases arising under this
3 Act, except as provided in sections 19(b) and 20(b) of
4 this Act.”

5 SEC. 18. Section 17 of such Act is amended by striking
6 the phrase “issue rules and regulations requiring licensed
7 dealers and research facilities” and inserting in lieu thereof
8 the phrase “promulgate rules and regulations requiring deal-
9 ers, exhibitors, research facilities and operators of auction
10 sales subject to section 12 of this Act”.

11 SEC. 19. Section 18 of such Act is repealed.

12 SEC. 20. Section 19 of such Act is amended to read as
13 follows:

14 “SEC. 19. (a) If the Secretary has reason to believe that
15 any dealer, exhibitor, or operator of an auction sale subject
16 to section 12 of this Act, has violated or is violating any pro-
17 visions of this Act, or any of the rules or regulations or stand-
18 ards promulgated by the Secretary hereunder, he may make
19 an order that such person shall cease and desist from con-
20 tinuing such violation, and if such person is licensed under
21 this Act, the Secretary may also suspend such person’s license
22 temporarily, but not to exceed twenty-one days, and after
23 notice and opportunity for hearing, may suspend for such
24 additional period as he may specify, or revoke such license, if
25 such violation is determined to have occurred. Any dealer,

1 exhibitor, or operator of an auction sale subject to section 12
2 of this Act, who knowingly fails to obey a cease and desist
3 order made by the Secretary under this section, shall be
4 subject to a civil penalty of \$500 for each offense, and each
5 day during which such failure continues, shall be deemed a
6 separate offense.

7 “(b) Any dealer, exhibitor, or operator of an auction
8 sale aggrieved by a final order of the Secretary issued pur-
9 suant to subsection (a) of this section may, within sixty days
10 after entry of such an order, seek review of such order in the
11 United States court of appeals for the circuit in which such
12 person has his principal place of business, or in the United
13 States Court of Appeals for the District of Columbia Circuit,
14 in accordance with the provisions of section 701–706 of title
15 5, United States Code. Judicial review of any such order
16 shall be upon the record upon which the final determination
17 and order of the Secretary were based.

18 “(c) Any dealer, exhibitor, or operator of an auction
19 sale subject to section 12 of this Act, who violates any pro-
20 vision of this Act shall, on conviction thereof, be subject
21 to imprisonment for not more than one year, or a fine of
22 not more than \$1,000, or both.”

23 SEC. 21. Section 20 of such Act is amended—

24 (1) in subsection (a) by striking the words “rules

or regulations” and inserting in lieu thereof the words
“rules, regulations, or standards”; and

(2) by amending subsection (b) to read as follows:

“(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701–706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.”

SEC. 22. Such Act is further amended by adding at the end thereof the following new section:

“SEC. 25. Not later than March of each year following the enactment of the “Laboratory Animal Welfare Act Amendments Act of 1970,” the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

“(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed

1 by the Secretary under section 3 and section 12 of this
2 Act;

3 “(2) the nature and place of all investigations and
4 inspections conducted by the Secretary under section 16
5 of this Act, and all reports received by the Secretary
6 under section 13 of this Act; and

7 “(3) recommendations for legislation to improve
8 the administration of this Act or any provisions thereof.

9 This report as well as any supporting documents, data, or
10 findings shall not be released to any other persons, non-Fed-
11 eral agencies, or organizations unless and until it has been
12 made public by an appropriate committee of the Senate or
13 the House of Representatives.”

14 SEC. 23. The amendments made by this Act shall take
15 effect one year after the date of enactment of this Act, ex-
16 cept for the amendments to sections 16, 17, 19, and 20 of the
17 Act of August 24, 1966, which shall become effective thirty
18 days after the date of enactment of this Act.

A BILL

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

By Mr. PURCELL, Mr. ABBITT, Mr. BELCHER, Mr. FOLEY, Mr. JONES of North Carolina, Mr. KLEPPE, Mr. LOWENSTEIN, Mrs. MAY, Mr. MAYNE, Mr. MELCHER, Mr. MONTGOMERY, Mr. POAGE, Mr. PRICE of Texas, Mr. RARICK, Mr. SEBELIUS, Mr. SISK, Mr. ZWACH, and Mr. WHITEHURST

NOVEMBER 23, 1970

Referred to the Committee on Agriculture

INDEX of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
(NOT TO BE QUOTED OR CITED)

For actions of November 24, 1970
91st-2nd; No. 188

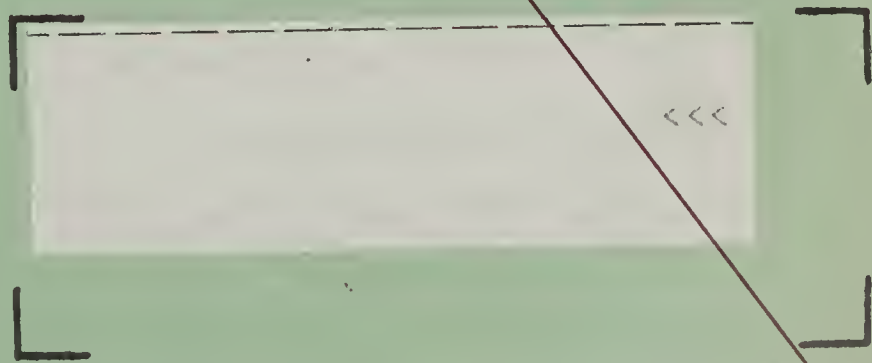
CONTENTS

Agriculture Committee	Duty.....6	Nutrition.....12
Action.....5	Eggs.....5	Olives.....6
Animals.....5,13	Environment.....3	Recreation.....15
Appropriations.....2,10	Farmers.....11	Rivers, harbors and
Committee action.....2,6	Highways.....9	flood control.....6,2
Disaster relief.....8	Horses.....1	Rural America.....4
	National Park.....14	Water carriers.....7

HIGHLIGHTS: Senate agreed to House amendments to bill prohibiting movement of "sored" horses.
House appointed conferees on water carrier mixing bill.
House committee reported bill on duty on olives packed in airtight containers.

SENATE

HORSES. Agreed to House amendments to S. 2543, to prohibit the movement in interstate and foreign commerce of "sored" horses. This bill now goes to the President. pp. S18868-9.



2. COMMITTEE ACTION.

Committee on Appropriations voted to report (but did not actually report) H.R. 17755, with amendments, FY 71 Department of Transportation appropriation bill; and reported with amendments H.R. 17867, FY 71 appropriations for the foreign aid program (S. Rept. 91-1370). pp. D1189, S18793

Committee on Public Works voted to report (but did not actually report) an original omnibus rivers, harbors, and flood control bill. p. D1190

3. ENVIRONMENT. Reconsidered action in passing H.J. Res. 1117, to create a Joint Committee on the Environment, and again passed the bill with amendment. pp. S18792-3

4. RURAL AMERICA. Sen. Talmadge discussed the commitment made to revitalize rural America, stating that comprehensive planning and technical assistance is required to develop attractive growth centers from stagnant communities. pp. S18813-4

HOUSE

5. AGRICULTURE COMMITTEE ACTION.

Voted to report (but did not actually report) H.R. 19846, proposed Animal Welfare Act; and

Deferred action on H.R. 19757, proposed Egg Products Inspection bill. p. D1192

6. COMMITTEE ACTION.

Committee on Ways and Means reported H.R. 18564, amending the Tariff Schedules with respect to rate of duty on olives packed in certain airtight containers (H. Rept. 91-1623). p. H10760

A subcommittee of the Public Works Committee approved for full committee action the committee print of an omnibus rivers, harbors, and flood control bill. p. D1193

7. WATER CARRIERS. Disagreed to the Senate amendments to H.R. 8298, the water carrier mixing bill. Conference requested and conferees appointed. p. H10732

8. DISASTER RELIEF. Appointed conferees on S. 3619, to revise and expand Federal disaster relief programs. p. H10680

9. HIGHWAYS. Adopted H. Res. 1267, providing for the consideration of H.R. 19504, the proposed Federal-Aid Highway Act Authorization of 1970. pp. H10725-8

10. APPROPRIATIONS. Passed H.R. 19830, FY 71 HUD-Independent Offices appropriation bill. pp. H10711-24.



S. 4539

IN THE SENATE OF THE UNITED STATES

NOVEMBER 24, 1970

Mr. DOLE introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Animal Welfare Act
4 of 1970".

5 SEC. 2. The first section of the Act of August 24, 1966
6 (Public Law 89-544; 80 Stat. 350), as amended, is amended
7 to read as follows: "That, in order to protect the owners of
8 animals, from the theft of their animals, to prevent the sale or
9 use of animals which have been stolen, and to insure that cer-
10 tain animals intended for use in research facilities or for exhi-
11 bition purposes or for use as pets are provided humane care

1 and treatment, it is essential to regulate the transportation,
2 purchase, sale, housing, care, handling, and treatment of
3 such animals by persons or organizations engaged in using
4 them for research or experimental purposes or for exhibition
5 purposes or holding them for sale as pets or in transporting,
6 buying, or selling them for any such purpose or use.”

7 SEC. 3. Section 2 of such Act is amended—

8 (1) in subsection (b) by striking the semicolon
9 after the word “Agriculture” and inserting the follow-
10 ing: “of the United States or his representative who
11 shall be an employee of the United States Department
12 of Agriculture;”;

13 (2) in subsection (e) by striking the words “com-
14 merce between any State,” and inserting in lieu thereof
15 the words “trade, traffic, commerce, transportation
16 among the several States, or between any State;”;

17 (3) by striking subsections (d), (e), (f), (g),
18 and (h) and inserting in lieu thereof the following:

19 “(d) The term ‘affecting commerce’ means in com-
20 merce or burdening or obstructing or substantially affecting
21 commerce or the free flow of commerce, or having led or
22 tending to lead to the inhumane care of animals used or in-
23 tended for use for purposes of research, experimentation, ex-
24 hibition, or held for sale as pets, by burdening or obstructing

1 or substantially affecting commerce or the free flow of com-
2 merce;

3 “(e) The term ‘research facility’ means any school (ex-
4 cept an elementary or secondary school), institution, organi-
5 zation, or person that uses or intends to use live animals in
6 research, tests, or experiments, and that (1) purchases or
7 transports live animals affecting commerce, or (2) receives
8 funds under a grant, award, loan, or contract from a depart-
9 ment, agency, or instrumentality of the United States for the
10 purpose of carrying out research, tests, or experiments: *Pro-*
11 *vided*, That the Secretary may exempt, by regulation, any
12 such school, institution, organization, or person that does not
13 use or intend to use live dogs or cats, except those schools,
14 institutions, organizations, or persons, which use substantial
15 numbers (as determined by the Secretary) of live animals
16 the principal function of which schools, institutions, organiza-
17 tions, or persons, is biomedical research or testing, when in
18 the judgment of the Secretary, any such exemption does not
19 vitiate the purpose of this Act;

20 “(f) The term ‘dealer’ means any person who for com-
21 pensation or profit delivers for transportation, or transports,
22 except as a common carrier, buys, or sells any animals
23 whether alive or dead, affecting commerce, for research or
24 teaching purposes or for exhibition purposes or for use as

1 pets, but such term excludes any retail pet store except such
2 store which sells any animals to a research facility, an ex-
3 hibitor, or a dealer;

4 “(g) The term ‘animal’ means any live or dead dog,
5 cat, monkey (nonhuman primate mammal), guinea pig,
6 hamster, rabbit, or such other warmblooded animal, as the
7 Secretary may determine is being used, or is intended for
8 use, for research, testing, experimentation, or exhibition
9 purposes, or as a pet; but such term excludes horses not used
10 for research purposes and other farm animals, such as, but
11 not limited to livestock or poultry, used or intended for use
12 as food or fiber, or livestock or poultry used or intended for
13 use for improving animal nutrition, breeding, management,
14 or production efficiency, or for improving the quality of food
15 or fiber; and

16 “(h) The term ‘exhibitor’ means any person (public or
17 private) exhibiting any animals, which were purchased in
18 commerce or the intended distribution of which affects com-
19 merce, or will affect commerce, to the public for compensa-
20 tion, as determined by the Secretary, and such term in-
21 cludes carnivals, circuses, and zoos exhibiting such animals
22 whether operated for profit or not; but such term excludes
23 retail pet stores, organizations sponsoring and all persons
24 participating in State and country fairs, livestock shows,
25 rodeos, purebred dog and cat shows, and any other fairs or

1 exhibitions intended to advance agricultural arts and sciences,
2 as may be determined by the Secretary.”

3 SEC. 4. Section 3 of such Act is amended—

4 (1) in the first sentence thereof after the words
5 “licenses to dealers” by inserting the words “and
6 exhibitors”;

7 (2) in the first proviso thereof after the words
8 “until the dealer” by inserting the words “or exhibitor”;

9 (3) in the second proviso thereof after the words
10 “That any” by inserting the words “retail pet store or
11 other”;

12 (4) in the second proviso thereof after the words
13 “as a dealer” insert the words “or exhibitor”; and

14 (5) in the last sentence thereof after the words “as
15 dealers” each time such words appear, insert the words
16 “or exhibitors”.

17 SEC. 5. Section 4 of such Act is amended to read as
18 follows:

19 “SEC. 4. No dealer or exhibitor shall sell or offer to sell
20 or transport or offer for transportation, affecting commerce,
21 to any research facility or for exhibition or for use as a pet
22 any animal, or buy, sell, offer to buy or sell, transport or
23 offer for transportation, affecting commerce, to or from an-
24 other dealer or exhibitor under this Act any animal, unless

1 and until such dealer or exhibitor shall have obtained a
2 license from the Secretary and such license shall not have
3 been suspended or revoked.”

4 SEC. 6. Section 5 of such Act is amended—

5 (1) by inserting after the words “No dealer” the
6 words “or exhibitor”; and

7 (2) by inserting before the period at the end there-
8 of the following: “: *Provided*, That operators of auction
9 sales subject to section 12 of this Act shall not be re-
10 quired to comply with the provisions of this section”.

11 SEC. 7. Section 6 of such Act is amended by inserting
12 after the words “research facility” the words “and every ex-
13 hibitor not licensed under section 3 of this Act”.

14 SEC. 8. Section 7 of such Act is amended—

15 (1) by inserting between the words “except” and
16 “a person” the words “an operator of an auction sale
17 subject to section 12 of this Act or”; and

18 (2) by inserting between the words “as a dealer”
19 and “issued” the words “or exhibitor”.

20 SEC. 9. Section 8 of such Act is amended—

21 (1) by inserting after the words “or experimenta-
22 tion” the words “or exhibition”;

23 (2) by inserting between the words “except” and
24 “a person” the words “an operator of an auction sale sub-
25 ject to section 12 of this Act”; and

(3) by inserting between the words “as a dealer” and “issued” the words “or exhibitor”.

SEC. 10. Section 9 of such Act is amended to read as follows:

“SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person.”

SEC. 11. Section 10 of such Act is amended to read as follows:

“SEC. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.”

1 SEC. 12. Section 11 of such Act is amended—

2 (1) by striking the words “dogs and cats” and
3 inserting in lieu thereof the word “animals”;

4 (2) by striking the words “in commerce by any
5 dealer” and inserting in lieu thereof the words “, affect-
6 ing commerce, by a dealer or exhibitor”; and

7 (3) by striking the period at the end thereof and
8 inserting the following: “: *Provided*, That only live dogs
9 and cats need be so marked or identified by a research
10 facility.”.

11 SEC. 13. Section 12 of such Act is amended to read as
12 follows:

13 “SEC. 12. The Secretary is authorized to promulgate hu-
14 mane standards and recordkeeping requirements governing
15 the purchase, handling, or sale of animals, affecting com-
16 merce, by dealers, research facilities, and exhibitors at auc-
17 tion sales and by the operators of such auction sales. The
18 Secretary is also authorized to require the licensing of oper-
19 ators of auction sales where any dogs or cats are sold, affect-
20 ing commerce, under such conditions as he may prescribe,
21 and upon payment of such fee as prescribed by the Secre-
22 tary under section 23 of this Act.”

23 SEC. 14. Section 13 of such Act is amended to read as
24 follows:

25 “SEC. 13. The Secretary shall promulgate standards to

1 govern the humane handling, care, treatment, and transporta-
2 tion of animals by dealers, research facilities, and exhibitors.
3 Such standards shall include minimum requirements with re-
4 spect to handling, housing, feeding, watering, sanitation, ven-
5 tilation, shelter from extremes of weather and temperatures,
6 adequate veterinary care, including the appropriate use of
7 anesthetic, analgesic, or tranquilizing drugs, when such use
8 would be proper in the opinion of the attending veterinarian
9 of such research facilities, and separation by species when the
10 Secretary finds such separation necessary for the humane han-
11 dling, care, or treatment of animals. In promulgating and
12 enforcing standards established pursuant to this section, the
13 Secretary is authorized and directed to consult experts, in-
14 cluding outside consultants where indicated. Nothing in this
15 Act shall be construed as authorizing the Secretary to promul-
16 gate rules, regulations, or orders with regard to design, out-
17 lines, guidelines, or performance of actual research or
18 experimentation by a research facility as determined by such
19 research facility: *Provided*, That the Secretary shall require,
20 at least annually, every research facility to show that profes-
21 sionally acceptable standards governing the care, treatment,
22 and use of animals, including appropriate use of anesthetic,
23 analgesic, and tranquilizing drugs, during experimentation
24 are being followed by the research facility during actual
25 research or experimentation.”

1 SEC. 15. Section 14 of such Act is amended by adding
2 at the end thereof the following new sentence: “Any depart-
3 ment, agency, or instrumentality of the United States exhibit-
4 ing animals shall comply with the standards promulgated by
5 the Secretary under section 13.”

6 SEC. 16. Section 15 of such Act is amended—

7 (1) in subsection (a) by striking the words “or
8 experimentation” and inserting in lieu thereof the words
9 “, experimentation or exhibition”; and

10 (2) in subsection (b) by striking the word “ef-
11 fectuating” and inserting in lieu thereof the words
12 “carrying out”.

13 SEC. 17. Section 16 of such Act is amended to read as
14 follows:

15 “SEC. 16. (a) The Secretary shall make such investi-
16 gations or inspections as he deems necessary to determine
17 whether any dealer, exhibitor, research facility, or operator
18 of an auction sale subject to section 12 of this Act, has vio-
19 lated or is violating any provision of this Act or any regula-
20 tion or standard issued thereunder, and for such purposes,
21 the Secretary shall, at all reasonable times, have access to
22 the places of business and the facilities, animals, and those
23 records required to be kept pursuant to section 10 of any
24 such dealer, exhibitor, research facility, or operator of an
25 auction sale. The Secretary shall promulgate such rules and

1 regulations as he deems necessary to permit inspectors to
2 confiscate or destroy in a humane manner any animal found
3 to be suffering as a result of a failure to comply with any
4 provision of this Act or any regulation or standard issued
5 thereunder if (1) such animal is held by a dealer, (2) such
6 animal is held by an exhibitor, (3) such animal is held by a
7 research facility and is no longer required by such research
8 facility to carry out the research, test, or experiment for
9 which such animal has been utilized, or (4) such animal is
10 held by an operator of an auction sale.

11 “(b) Any person who forcibly assaults, resists, opposes,
12 impedes, intimidates, or interferes with any person while en-
13 gaged in or on account of the performance of his official duties
14 under this Act shall be fined not more than \$5,000, or im-
15 prisoned not more than three years, or both. Whoever, in the
16 commission of such acts, uses a deadly or dangerous weapon
17 shall be fined not more than \$10,000, or imprisoned not more
18 than ten years, or both. Whoever kills any person while en-
19 gaged in or on account of the performance of his official duties
20 under this Act shall be punished as provided under sections
21 1111 and 1114 of title 18, United States Code.

22 “(c) For the efficient administration and enforcement of
23 this Act, the provisions (including penalties) of sections 6, 8,
24 9, and 10 of the Act entitled ‘An Act to create a Federal
25 Trade Commission, to define its powers and duties, and for

1 other purposes,' approved September 26, 1914 (38 Stat.
2 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (ex-
3 cept paragraphs (c) through (h) of section 6 and the last
4 paragraph of section 9), and the provisions of title II of
5 the Organized Crime Control Act of 1970 (62 Stat. 856;
6 18 U.S.C. 6001 et seq.), are made applicable to the juris-
7 diction, powers, and duties of the Secretary in administering
8 and enforcing the provisions of this Act and to any person,
9 firm, or corporation with respect to whom such authority is
10 exercised. The Secretary may prosecute any inquiry neces-
11 sary to his duties under this Act in any part of the United
12 States, including any territory or possession thereof, the
13 District of Columbia, or the Commonwealth of Puerto Rico.
14 The powers conferred by said sections 9 and 10 of the Act
15 of September 26, 1914, as amended, on the district courts
16 of the United States may be exercised for the purposes of
17 this Act by any district court of the United States. The
18 United States district courts, the District Court of Guam, the
19 District Court of the Virgin Islands, the highest court of
20 American Samoa, and the United States courts of the other
21 territories, are vested with jurisdiction specifically to enforce,
22 and to prevent and restrain violations of this Act, and shall
23 have jurisdiction in all other kinds of cases arising under this
24 Act, except as provided in sections 19 (b) and 20 (b) of
25 this Act."

1 SEC. 18. Section 17 of such Act is amended by striking
2 the phrase “issue rules and regulations requiring licensed
3 dealers and research facilities” and inserting in lieu thereof
4 the phrase “promulgate rules and regulations requiring deal-
5 ers, exhibitors, research facilities, and operators of auction
6 sales subject to section 12 of this Act”.

7 SEC. 19. Section 18 of such Act is repealed.

8 SEC. 20. Section 19 of such Act is amended to read as
9 follows:

10 “SEC. 19. (a) If the Secretary has reason to believe that
11 any dealer, exhibitor, or operator of an auction sale subject
12 to section 12 of this Act, has violated or is violating any pro-
13 visions of this Act, or any of the rules or regulations or stand-
14 ards promulgated by the Secretary hereunder, he may make
15 an order that such person shall cease and desist from con-
16 tinuing such violation, and if such person is licensed under
17 this Act, the Secretary may also suspend such person’s license
18 temporarily, but not to exceed twenty-one days, and after
19 notice and opportunity for hearing, may suspend for such
20 additional period as he may specify, or revoke such license, if
21 such violation is determined to have occurred. Any dealer,
22 exhibitor, or operator of an auction sale subject to section 12
23 of this Act, who knowingly fails to obey a cease and desist
24 order made by the Secretary under this section, shall be
25 subject to a civil penalty of \$500 for each offense, and each

1 day during which such failure continues shall be deemed a
2 separate offense.

3 “(b) Any dealer, exhibitor, or operator of an auction
4 sale aggrieved by a final order of the Secretary issued pur-
5 suant to subsection (a) of this section may, within sixty days
6 after entry of such an order, seek review of such order in the
7 United States court of appeals for the circuit in which such
8 person has his principal place of business, or in the United
9 States Court of Appeals for the District of Columbia Circuit,
10 in accordance with the provisions of section 701–706 of title
11 5, United States Code. Judicial review of any such order
12 shall be upon the record upon which the final determination
13 and order of the Secretary were based.

14 “(c) Any dealer, exhibitor, or operator of an auction
15 sale subject to section 12 of this Act who violates any pro-
16 vision of this Act shall, on conviction thereof, be subject
17 to imprisonment for not more than one year, or a fine of
18 not more than \$1,000, or both.”

19 SEC. 21. Section 20 of such Act is amended—

20 (1) in subsection (a) by striking the words “rules
21 or regulations” and inserting in lieu thereof the words
22 “rules, regulations, or standards”; and

23 (2) by amending subsection (b) to read as follows:

24 “(b) Any research facility aggrieved by a final order
25 of the Secretary, issued pursuant to subsection (a) of this

1 Act, may within sixty days after entry of such order, seek
2 review of such order in the United States court of appeals
3 for the circuit in which such research facility has its principal
4 place of business, or in the United States Court of Appeals
5 for the District of Columbia Circuit, in accordance with the
6 provisions of sections 701–706 of title 5, United States Code.
7 Judicial review of any such order shall be upon the record
8 upon which the final determination and order of the Sec-
9 retary were based.”

10 SEC. 22. Such Act is further amended by adding at the
11 end thereof the following new section:

12 “SEC. 25. Not later than March of each year following
13 the enactment of the ‘Laboratory Animal Welfare Act
14 of 1970,’ the Secretary shall submit to the President of the
15 Senate and the Speaker of the House of Representatives
16 a comprehensive and detailed written report with respect to—

17 “(1) the identification of all research facilities,
18 exhibitors, and other persons and establishments licensed
19 by the Secretary under section 3 and section 12 of this
20 Act;

21 “(2) the nature and place of all investigations and
22 inspections conducted by the Secretary under section 16
23 of this Act, and all reports received by the Secretary
24 under section 13 of this Act; and

1 “(3) recommendations for legislation to improve
2 the administration of this Act or any provisions thereof.
3 This report as well as any supporting documents, data, or
4 findings shall not be released to any other persons, non-
5 Federal agencies, or organizations unless and until it has
6 been made public by an appropriate committee of the Senate
7 or the House of Representatives.”

8 SEC. 23. The amendments made by this Act shall take
9 effect one year after the date of enactment of this Act, ex-
10 cept for the amendments to sections 16, 17, 19, and 20 of
11 the Act of August 24, 1966, which shall become effective
12 thirty days after the date of enactment of this Act.

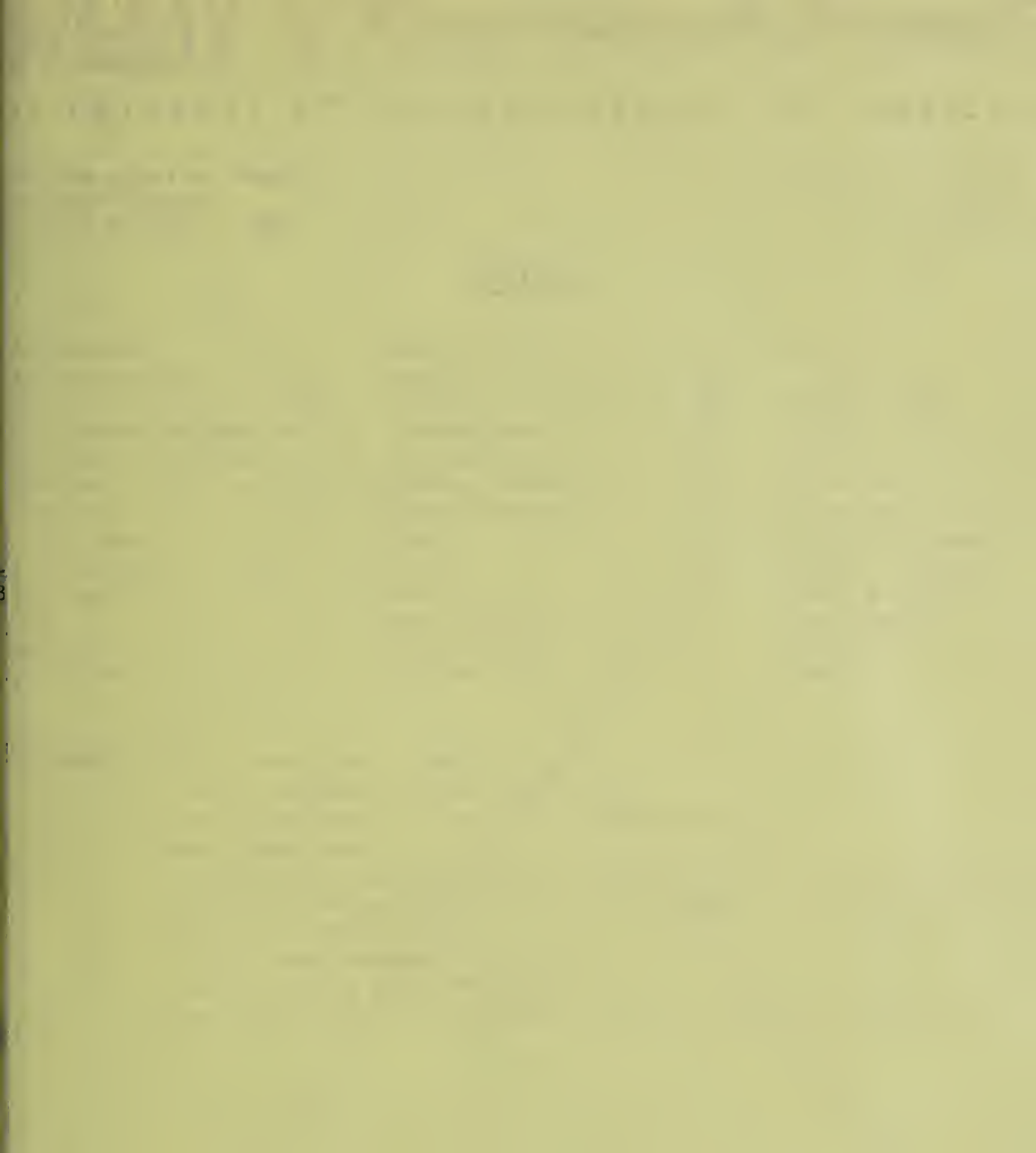
A BILL

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

By Mr. Dole

NOVEMBER 24, 1970

Read twice and referred to the Committee on
Commerce



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 1, 1970
91st-2nd; No.191

CONTENTS

Agricultural appropriations.....11	Egg products.....3	Planning districts.....6
Agricultural exports.....12	Eggs.....18	Plant variety protection.....4
Agricultural prices.....7	Farmers.....14	Reports.....6
Agriculture Committee	Farmworkers.....13	River basin.....1
Action.....3	Foodstamps.....4,11,19	Rules granted.....4
Animal welfare.....3	Foreign trade.....12	Rural development.....6
Appropriations.....2	Forest Service.....12	Sugars, syrups, and molasses.....5
Bills passed.....9	Lands.....9	Taos Indians.....8
Bills reported.....1	Loans.....17	Taxation.....5
Coffee.....1	NAL.....16	Travel.....9
Consumers.....9	National Forest.....8	
Court leave.....9	National Park.....10	
	Peanuts.....1	

HIGHLIGHTS: House committees reported:

peanut marketing quota bill; and
bill extending International Coffee Agreement.

House committee:

reconsidered action on Animal Welfare Act and voted to re-report it; and
agreed to introduce clean bill on egg products inspection.

Rules were granted to:

food stamp amendment bill; and
plant variety protection bill.

Sen. Talmadge decried "alarming trend of agricultural prices".

HOUSE

1. BILLS REPORTED.

Committee on Agriculture reported H.R. 17582, to amend the peanut marketing quota provisions to make permanent certain provisions thereunder (H. Rept. 91-1640). p. H10991

Committee on Ways and Means reported with amendment H.R. 19567, to continue the International Coffee Agreement Act of 1968 until the close of September 30, 1973 (H. Rept. 91-1641). p. H10991

Committee on the Judiciary reported S. 1079, granting Congressional consent to the Susquehanna River Basin Compact (H. Rept. 91-1643). p. H10991

2. APPROPRIATIONS. Disagreed to the Senate amendments to H.R. 18515, the FY 71 Labor-HEW appropriation bill. Conferees appointed. p. H10915

3. AGRICULTURE COMMITTEE ACTION.

Reconsidered their previous action on H.R. 19846, the proposed Animal Welfare Act, and ordered it re-reported, with amendment; ~~and~~

Considered H.R. 19757, the proposed Egg Products Inspection Act, and agreed to introduce a clean bill. p. D1210

4. RULES GRANTED.

An open rule was granted providing for the consideration of and 2 hours of debate, waiving points of order against lines 2 through 14, on page 14, and making in order H.R. 19889 as a substitute on H.R. 18582, amendments to the Food Stamp Act; and

An open rule was granted providing for the consideration of and 1 hour of debate, waiving points of order against clause 3 of Rule XIII and section 31 of S. 3070, plant variety protection bill. pp. D1210-1

5. TARIFFS. Committee on Ways and Means voted to report (but did not actually report) H.R. 7626, to revise the Tariff Schedules with respect to the tariff classification of certain sugars, sirups, and molasses. p. D1211

6. REPORTS.

Received a letter from the Secretaries of Agriculture and HUD transmitting a report on assistance furnished to nonmetropolitan planning districts by the two Departments, pursuant to section 901(c) of the Agricultural Act of 1970; to the Committee on Agriculture. p. H10991

Received a letter from the Acting Secretary of Agriculture, transmitting a report on efforts of USDA to provide information and technical assistance to small communities and less populated areas in regard to rural development during fiscal year 1970, pursuant to section 901(d) of the Agricultural Act of 1970; to the Committee on Agriculture. p. H10991

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 2, 1970
91st-2nd; No. 192

CONTENTS

Agriculture Act of 1970.....9	Eggs.....2	Nobel Prize.....10
Agriculture Committee Action.....2	Farm Credit Administration.....5	Planning Assistance.....8
Animals.....2	Farmers.....12	Plants.....3
Appropriations.....1	Food.....13	Rivers, harbors, and flood control.....3
Dr. Borlaug.....10	Food stamps.....3,13	Rural development.....8
Carson National Forest.....6	Highway construction.....7	Taos Indians.....6
Committee Action.....3	Housing and Urban Development.....4	Water Carrier Mixing Rule.....7
Dislocation Assistance...3	International Trade.....11	Wheat.....10
		Wilderness.....14

HIGHLIGHTS: Conferees agreed to file report on agricultural appropriations bill.
Senate passed bill granting trust title to national forest lands to Taos Indians.
Senate appointed conferees on water carrier mixing bill and highway construction bill.
House committee reported animal welfare bill.
House committee voted to report egg products inspection bill.
Rep. Schwengel criticized "unfair competitive advantage" Farm Credit Administration has in farm lending programs.

HOUSE

1. APPROPRIATIONS. Conferees agreed to file (but did not actually file) a conference report on H.R. 17923, the agricultural appropriations bill for FY 71. p. D1221
2. AGRICULTURE COMMITTEE ACTION.
Reported with amendment H.R. 19846, proposed Animal Welfare Act (H. Rept. 91-1651). p. H11082
Voted to report (but did not actually report) H.R. 19888 amended, proposed Egg Products Inspection Act. p. D1219
3. COMMITTEE ACTION.
Committee on Rules reported H. Res. 1290, providing for the consideration of S. 3070, plant variety protection; and H. Res. 1291, providing for the consideration of H.R. 18582, Food stamp amendments. p. H11082
Committee on Public Works reported S. 1, providing for equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs (H. Rept. 91-1656). p. H11082
Committee on Public Works voted to report (but did not actually report) H.R. 19877 amended, an omnibus rivers, harbors, and flood control bill. p. D1220
4. HOUSING AND URBAN DEVELOPMENT. Concluded general debate on H.R. 19436, proposed Housing and Urban Development Act of 1970, and began reading the bill for amendments. H. Res. 1271, the rule providing for consideration, was adopted earlier. pp. H10998-11053
5. FARM CREDIT ADMINISTRATION. Rep. Schwengel expressed fear that "The farm credit system threatens to become a monopoly disguised as a farmer-owned cooperative" and urged the restoration of "fair competition to the rural credit field". pp. H11078-91

SENATE

6. CARSON NATIONAL FOREST; TAOS INDIANS. Passed H.R. 471, granting trust title to the Taos Indians of 48,000 acres in the Blue Lake area of Carson National Forest, New Mexico. pp. S19220-44
7. WATER CARRIER MIXING RULE; HIGHWAY CONSTRUCTION. Conferees appointed on H.R. 8298, to eliminate certain restrictions relating to water carriers of bulk commodities, and on S. 4418, proposed Federal-Aid Highway Amendments of 1970. pp. S19188-9; S19244-52

ANIMAL WELFARE ACT OF 1970

DECEMBER 2, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 19846]

The Committee on Agriculture, to whom was referred the bill (H.R. 19846) to amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 6, line 24, after the word "Act" insert the word "or";

Page 12, line 8, strike out the word "title" and insert in lieu thereof the word "Title"; and

Page 15, line 18, strike out the words "Laboratory Animal Welfare Act Amendments Act of 1970," and insert in lieu thereof the words "Animal Welfare Act of 1970."

GENERAL STATEMENT

This bill represents a continuing commitment by Congress to the ethic of kindness to dumb animals.

Beginning with the legislation passed in 1966 (Public Law 89-544), the United States Government has implemented a statutory mandate that small helpless creatures deserve the care and protection of a strong and enlightened public. This bill strengthens the administration of that Act, and it expands the perimeters of its protection to more animals and to more people who handle, exhibit, buy or sell, or transport them or who use them in the pursuit of medical and scientific knowledge.

It reflects the philosophy of caring for animals enunciated by W. D. Hoard in 1885 who said: "The stupid brutishness of men who are too ignorant of their own interests to be gentle and humane finds, at last, sharp punishment, for God, ever just to the least of his creatures, denies such men profit or prosperity and thereat all good men say, 'Amen!'"

H.R. 19846 is a bill which is the result of careful consideration by the Livestock and Grains Subcommittee and the full Committee on Agriculture. It is an effort to demonstrate America's humanity to lesser creatures while maintaining and promoting the national enlightenment in medicine for the care of all mankind. It is a bill which initially was controversial, but which, by virtue of good reason and good will and deliberation and discussion by many persons of divergent views, was able to command the unanimous approval of the Committee on Agriculture as well as the joint sponsorship of the entire membership of the Livestock and Grains Subcommittee.

PURPOSE OF THE LEGISLATION

The basic purposes of this bill are four-fold :

First, the bill expands the definition of the term "animal" to include more species. At present the Act applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys (nonhuman primate mammals). This bill includes within its definition all warm-blooded animals designated by the Secretary with only limited and specifically defined exceptions.

Second, the bill regulates more people who handle animals. It will, for example, bring into the regulatory framework of the Act for the first time exhibitors (such as circuses, zoos, carnivals, and road shows) and wholesale pet dealers.

Third, the bill establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care including the appropriate use of pain-killing drugs. At the same time this ethic is embraced, the bill recognizes the responsibility and specifically preserves the necessary domain of the medical community. The bill in no manner authorizes the disruption or interference with scientific research or experimentation. Under this bill the research scientist still holds the key to the laboratory door. This committee and the Congress, however, expect that the work that's done behind that laboratory door will be done with compassion and with care.

Fourth, the bill strengthens the Secretary's enforcement powers under the Act by broadening the statutory concept of "commerce", by increasing the penalties against persons convicted of interfering with, assaulting, or killing government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

HEARINGS

Public hearings on H.R. 13957 by Mr. Whitehurst were held on June 8 and 9, 1970. The Subcommittee on Livestock and Grains held six executive sessions on H.R. 13957 and H.R. 18637 by Mr. Foley. As a result of these meetings and numerous discussions, the subcommittee unanimously approved the language of H.R. 19846 on November 19, 1970. The full committee ordered H.R. 19846 reported to the House by a unanimous vote in the presence of a quorum on November 24, 1970.

DEPARTMENTAL POSITION

The U.S. Department of Agriculture submitted the following report in regard to H.R. 13957, but the committee believes that the basic objections to the original bill have been satisfied:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 9, 1970.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 13957. The bill is entitled "To amend the Act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition or held for sale as pets."

The bill would amend Public Law 89-544, known as the Laboratory Animal Welfare Act, to extend the authority and responsibilities of this Department for regulating the transportation, purchase, sale, housing, care, handling, and treatment of any warm-blooded animal by persons or organizations engaged in using such animals (a) for research or experimental purposes, (b) for exhibition purposes, or (c) for holding them for sale as pets. The licensing and registration provisions of Public Law 89-544 would be extended to include any exhibitor which is defined under the bill as any person (public or private) exhibiting animals to the public free or for compensation, including but not limited to zoos and circuses. Also, the bill would extend the authority of the Department to require the prescribing of standards for the handling, care, or treatment of any warm-blooded animal during the actual research or experimentation by a research facility.

The bill would greatly expand program operations under Public Law 89-544 by (1) including all warm-blooded animals under the Act; (2) establishing requirements for conducting inspections throughout the research facility, which are restricted under the present law to the holding area, in order to determine compliance with standards that would be required for the handling, care, or treatment of animals during actual research or experimentation; (3) requiring the regulation of exhibitions which would include zoos, circuses, dog and cat shows, State and county fairs, horse shows and other exhibitions; and (4) by including certain provisions for regulating pet dealers.

During fiscal year 1970, we are enforcing the provisions of the Act with an appropriation of approximately \$337,000. This Department is doing everything possible to carry out its assigned responsibilities under Public Law 89-544 within the limitations of available resources.

This Department agrees with the objective of the bill concerning the need for the humane care and handling of laboratory animals during actual research and experimentation. However, we believe that the Department of Health, Education, and Welfare is the appropriate agency to administer such an activity. We would expect to work with that Department to help assure consistency of standards and make other necessary arrangements to promote the objectives of both Public Law 89-544 and H.R. 13957.

If Federal regulation of laboratory animals is extended to all warm-blooded animals, we suggest it would be appropriate and consistent to extend the species of animals presently regulated under Public Law 89-544, to include all warm-blooded animals. Also, we would suggest to the Committee that regulating the humane care and handling of animals by exhibitors and pet dealers should be the responsibility of State and local agencies rather than the Federal Government.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*

COMMITTEE AMENDMENTS

The first two committee amendments correct typographical errors in the bill.

The third committee amendment corrects a clerical error in Section 25 of the Act, as amended, by changing an internal cross reference to this legislation from "Laboratory Animal Welfare Act Amendments Act of 1970" to "Animal Welfare Act of 1970".

COMMITTEE INTENT

In its consideration of H.R. 19846 the committee carefully considered both the language and the legal construction of that language in several sections of the bill. In reflection of that consideration the committee submits the following expressions of intent:

(1) In regard to the amendment to section 2(b) of the Act, the committee does not contemplate the designation of private citizens or non-Federal Government employees in the administration of this legislation.

(2) In regard to the amendment to section 13 of the Act, it is the intention of the committee that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research is left to the research facility itself. Research or experimentation is also intended to include use of animals as "teaching aids in educational institutions".

(3) In regard to the amendment to section 17 of this Act, the committee intends that inspection under this section shall be specifically limited to searches for lost or stolen pets by officers of the law (not owners themselves) and that the term "legally constituted law enforcement agencies" means agencies with general law enforcement authority and not those agencies whose law enforcement duties are limited to enforcing local animal regulations. It is not intended that this section be used by private citizens or law enforcement officers to harass research facilities and in no event shall such officers inspect the animals when the animals are undergoing actual research or experimentation.

(4) In regard to the amendments to Section 20 of the Act, the committee reiterates its policy expressed in the conference report on P.L. 89-544 that in the case of research facilities the Secretary may grant individual extensions of time to certain of these facil-

ities if he is convinced that these facilities will be able to meet the requirements of the regulations within a reasonable length of time. The purpose of this authority is to enable those research institutions whose compliance depends on obtaining additional funds for construction or personnel to secure such funds.

In this connection the committee also urges that adequate funds from Federal sources be made available for those research facilities which depend to a large extent on support derived from both State and Federal sources for laboratory facility improvements.

Cost

The current program is financed in part by license fees, which are deposited into the Treasury as "Miscellaneous Receipts," and in part by appropriations. In the current fiscal year (FY 1971) the Department estimates that license fee collections will be \$24,000 and appropriations will be \$352,600. (Fiscal year 1971 agriculture appropriation bill (H.R. 17923) was in conference between House and Senate at time of this report.) Additional inspections of research facilities and dealers are conducted, as far as possible, by existing trained field personnel. The added responsibilities imposed by this bill will increase the Department's program costs by an estimated \$1.2 million per year.

COMPARISON WITH EXISTING LAW

The following comparison shows the difference between existing law and the provisions of H.R. 19846:

COMPARISON OF ANIMAL WELFARE LEGISLATION

Provision and section of existing law	Existing law—Public Law 89-544	Proposed by H.R. 19846—Animal Welfare Act of 1970
Popular name citation.....	Has no formal short title, but is popularly cited as "Laboratory Animal Welfare Act."	Sec. 1 of the bill contains the short title "Animal Welfare Act of 1970."
Sec. 1—Statement of policy.....	Sets forth objectives of the act to (1) protect owners of dogs and cats from theft of such animals; (2) regulate the transportation, purchase, sale, handling, housing, care, and treatment of dogs and cats, as well as monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits destined for use in research or experimentation; and (3) regulate the handling, care and treatment of dogs, cats, and certain other animals intended for research within holding areas prior to actual research or experimentation.	Sec. 2 of the bill restates the objectives of Public Law 89-544 and adds thereto (1) protection for owners of "animals," as defined, instead of only dogs and cats; (2) regulate "animals" intended for use for "exhibition purposes or for use as pets."
Sec. 2—Definition of terms.....	Defines eight (8) terms used in the act. These are as follows:	Defines eight (8) terms used in the bill by redefining, deleting or adding to definitions used in Public Law 89-544. These are as follows: No change.
Sec. 2(a).....	Defines "person" as any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.	
Sec. 2(b).....	Defines "Secretary" as the Secretary of Agriculture.	Sec. 3(1) of the bill amends the definition to read "Secretary of Agriculture of the United States or his representative who shall be an employee of the United States Department of Agriculture."
Sec. 2(c).....	Defines "commerce" as between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia.	Sec. 3(2) extends definition to include "trade, traffic, commerce, transportation among the several States or between any State".

COMPARISON OF ANIMAL WELFARE LEGISLATION—Continued

Provision and section of existing law	Existing law—Public Law 89-544	Proposed by H.R. 19846—Animal Welfare Act of 1970
Sec. 2(d), (e), (f), (g), (h).	<p>Defines "dog" as any live dog (<i>Canis familiaris</i>);</p> <p>Defines "cat" as any live cat (<i>Felis catus</i>);</p> <p>Defines "research facility" as any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for purposes of conducting research, tests, or experiments.</p> <p>Defines "dealer" as any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes.</p> <p>Defines "animal" as live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits.</p>	Sec. 3(3) of the bill deletes these definitions.
		Sec. 3(d) defines a new term "affecting commerce".
		Sec. 3(e) of the bill redesignates definition of "research facility" as sec. 2(e) of the act and extends meaning to include those using "animals" rather than only dogs or cats; and allows exemption of schools, hospitals, clinics which do not use live dogs or cats. But, schools, organizations, institutions, or persons in biomedical research using a substantial number of live animals (as determined by USDA) would not be exempt.
		Sec. 3(f) of the bill redesignates definition of "dealer" as sec. 2(f) of the act and extends meaning to include live or dead animals rather than only dogs or cats; and adds teaching and exhibition purposes or for use as pets; and exempts retail pet stores unless such store sells animals to a research facility, an exhibitor, or a dealer.
		Sec. 3(g) of the bill redesignates definition of "animal" as sec. 2(g) of the act and expands the definition by adding to the species now covered under Public Law 89-544 the stipulation "live or dead" and includes such warm-blooded animals as may be determined by the Secretary. Specific exclusions are provided for horses not used for research and for other farm-type animals, including livestock or poultry, used or intended for use as food or fiber. Livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency or for improving the quality of food or fiber are also excluded.
		Sec. 3(h) of the bill adds a new term: "exhibitor" as sec. 2(h) of the act. The term means any public or private person exhibiting any animals purchased in commerce, or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary. It includes carnivals, circuses, and zoos exhibiting such animals for profit or not. It excludes retail pet stores, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, or any such exhibitions or fairs intended to advance agricultural arts and sciences.

COMPARISON OF ANIMAL WELFARE LEGISLATION—Continued

Provision and section of existing law	Existing law—Public Law 89-544	Proposed by H.R. 19846—Animal Welfare Act of 1970
Sec. 3—Licensing of dealers.	This section of the act sets forth the requirements and procedures for issuing licenses to dealers as required under the act.	Sec. 4 of the bill extends licensing requirements to "exhibitor;" and includes a provision for exempting retail pet stores.
Sec. 4—Requirement for valid dealer license.	Prohibits interstate movement of any dog or cat to a research facility from any dealer not holding a valid license.	Sec. 5 of the bill extends prohibitions under sec. 4 of the act to include exhibitors, and extends coverage to include dealers or exhibitors engaging in transactions "affecting commerce" of animals, as defined, to a research facility or for exhibition or for use as a pet.
Sec. 5—Holding period for dogs or cats.	Requires dealers to hold dogs or cats for five (5) days after acquisition.	Sec. 6 of the bill extends requirement to exhibitor. Operators of auction sales subject to sec. 12 of the bill are exempted from this requirement.
Sec. 6—Registration of research facilities.	Requires research facilities to be registered with USDA rather than licensed as dealers.	Sec. 7 of the bill extends the registration requirement to exhibitors not licensed as dealers under sec. 3 of Public Law 89-544.
Sec. 7—Prohibits research facilities from purchasing dogs or cats except from dealers or exempted persons.	Prohibits research facilities from purchasing dogs or cats from any source but a dealer with a valid license unless a license is not required under sec. 3 of the act.	Sec. 8 of the bill extends purchase prohibition to include exhibitors; and provides that a research facility can purchase dogs or cats from operators of auction sales.
Sec. 8—Prohibits U.S. Government facilities from acquiring dogs or cats except from dealers or exempted persons.	Prohibits U.S. facilities from purchasing or acquiring for research or experimentation any dog or cat from any source except a dealer with a valid license unless license is not required under sec. 3 of the act.	Sec. 9 of the bill extends prohibition to include for purposes of exhibition and includes an exhibitor and operators of auction sales as a source of supply.
Sec. 9—Establishes principal-agent relationship for dealers and research facilities.	Sets forth the condition for the principal-agent relationship between a dealer and a research facility and their employees.	Sec. 10 of the bill adds exhibitor and an operator of an auction sale to the provisions of sec. 9 of the act, and substitutes the term "person", as defined under the act, for the term "individual".
Sec. 10—Recordkeeping by dealers and research facilities.	Requires dealers and research facilities to keep records on the purchase, sale, transportation, identification and previous ownership of dogs and cats on forms prescribed by USDA, and such records are to be available for inspection.	Sec. 11 of the bill extends recordkeeping requirements to include exhibitors and to include animals, as defined, rather than only dogs or cats; except research facilities would continue to keep required records only for live dogs and cats.
Sec. 11—Marking and identifying dogs and cats.	Requires all dogs and cats moved in commerce to be marked or identified in a humane manner in order to facilitate tracing lost or stolen pets.	Sec. 12 of the bill applies marking and identifying requirements to dealers and exhibitors for animals, as defined, instead of dogs and cats when movements are affecting commerce, as defined. Requirements for research facilities are only for live dogs and cats.
Sec. 12—Humane standards and recordkeeping for dogs and cats at auction sales.	Provides requirements for recordkeeping and humane standards for the purchase, sale, or handling (including treatment, housing and care) of dogs and cats by dealers and research facilities at auction sales.	Sec. 13 of the bill extends requirements to exhibitors and operators of auction sales and to apply to animals, as defined, instead of only dogs and cats when transactions at auction sales are affecting commerce. Also, requires operator of auction sales to obtain a license when he sells dogs or cats and transactions are affecting commerce, upon payment of fee prescribed by the Secretary.
Sec. 13—Humane standards for animals by dealers and research facilities.	Requires the establishment of standards to govern the humane handling, care, treatment and transportation of animals. Such standards include minimum requirements for the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species and adequate veterinary care. The Act states that nothing is to be construed as authorizing standards for the handling, care or treatment of animals during actual research or experimentation by a research facility as determined by such a research facility.	Sec. 14 of the bill adds exhibitor. An additional minimum standard is included for "handling." The present standard for adequate veterinary care is expanded to include the appropriate use of anesthetic, analgesic or tranquilizing drugs by research facilities when the use of such drugs are considered proper in the opinion of the attending veterinarian at such research facilities. USDA will publish standards and guidelines for use by the attending veterinarian in making the determination. The standard for "separation by species" is predicated on a finding of need for humane handling, care or treatment of animals. The stipulation is continued as not authorizing standards during actual research or experimentation. At least annually, a report is required by every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals including use of drugs, are being followed by the research facility.

COMPARISON OF ANIMAL WELFARE LEGISLATION—Continued

Provision and section of existing law	Existing law—Public Law 89-544	Proposed by H.R. 19846—Animal Welfare Act of 1970
Sec. 14—Humane standards for animals by U.S. Government facilities.	Requires Federal departments, agencies, or instrumentalities having laboratory facilities to meet the same standards for the humane handling, care and treatment of animals as required by research facilities under sec. 13 of the act.	Sec. 15 of the bill extends standard requirements for Federal agencies to include the exhibiting of animals.
Sec. 15—Consultation and cooperation by USDA with Federal, State, and local governmental agencies.	Sec. 15(a) directs USDA to consult with other Federal agencies concerned with the welfare of animals used for research or experimentation when establishing standards under sec. 13 of the act. Sec. 15(b) authorizes cooperation with State or local agencies in effectuating the purposes of the act.	Sec. 16(1) of the bill extends requirement to include animals used for exhibiting. Sec. 16(2) of the bill deletes the term "effectuating" and inserts "carrying out".
Sec. 16—Investigations or inspections by USDA.	Directs the conduct of investigations or inspections as necessary to effectuate the purposes of the act and insure compliance with issued rules and regulations. Provisions are made for confiscating or destroying any animal found to be suffering as a result of a failure to comply with any provision of the act by a dealer or a research facility.	Sec. 17 of the bill amends sec. 16 of the act as follows: (1) The present provisions of sec. 16 are redesignated as sec. 16(a) and expanded to include exhibitors and operators of auction sales for purposes of investigation. Also, records, facilities, and animals must be accessible to inspectors at all reasonable times at premises of dealers, research facilities, exhibitors and operators of auction sales. (2) A new sec. 16(b) is added to provide penalties against any person for forcible assaults or other offenses upon an inspector in the performance of his official duties. (3) A new sec. 16(c) is added to provide additional enforcement powers including the issuance of a subpoena.
Sec. 17—Inspection by legally constituted law enforcement officers.	Authorizes issuance of rules and regulations requiring licensed dealers and research facilities to permit inspection of animals and records by legally constituted law enforcement agencies in search of lost animals.	Sec. 18 of the bill adds exhibitors and operators of auction sales.
Sec. 18—Exemption applicable to animals during actual research or experimentation.	States that nothing in the Act shall be construed as authorizing USDA to issue rules, regulations or orders for the handling, care, treatment or inspection of animals during actual research or experimentation.	Sec. 19 of the bill repeals sec. 18 of the act. A provision is made under sec. 13 of the bill for exempting animals during actual research or experimentation.
Sec. 19—Dealer penalties and enforcement.	Provides for dealer violations, for suspension of dealer license for temporary periods, revocation, and issuance of cease and desist orders; penalties for conviction of violation; and procedures for judicial review.	Sec. 20 of the bill adds exhibitors and operators of auction sales; civil penalties for violating cease and desist order as presently provided under sec. 20 of the act for a research facility; and amends procedure for judicial review.
Sec. 20—Research facility facilities penalties and enforcement.	Provides for research facility violations, provides for cease and desist order and civil penalty for violation of such order; and procedure for judicial review.	Sec. 21 of the bill expands violations to include those against standards under the act as well as rules and regulations. Amends procedure for judicial review.
Sec. 21—Regulations	Authorizes USDA to promulgate rules and regulations necessary to effectuate purposes of the act.	No change.
Sec. 22—Constitutional invalidity clause.	Provides that if any clause is found to be invalid the remainder of the act is to continue to be effective.	Do.
Sec. 23—Fees and appropriations.	Authorizes charging and collection of reasonable fees for issuing licenses which are deposited into miscellaneous receipts of Treasury. Authorizes appropriation of funds as Congress may from time to time provide.	Do.
Sec. 24—Effective date	Provides effective date for issuing standards and for compliance by dealers and research facilities.	Do.
		Sec. 22 of the bill requires a report to the Congress by not later than March of each year. The section provides that the report is not to be made public by USDA unless and until the report is made public by the appropriate congressional committee.
		Sec. 23 of the bill establishes effective date for various sections of the bill.

SECTION-BY-SECTION ANALYSIS OF THE PROVISIONS OF PROPOSED ANIMAL WELFARE ACT OF 1970

There follows a section-by-section analysis of the provisions of the proposed Animal Welfare Act of 1970.

The first section of H.R. 19846 cites this legislation as the "Animal Welfare Act of 1970". The Act of August 24, 1966 (Public Law 89-544) has been popularly known in the past as the "Laboratory Animal Welfare Act". By changing the popular citation, this provision recognizes the broadened scope of the program and its application to animals other than those undergoing research or experimentation.

Section 2.—This section would amend the first section of the Act of August 24, 1966 (P.L. 89-544), so as to extend the objectives of such Act to include animals, as defined under the bill, intended for exhibition purposes or for use as pets.

Section 3.—This section of the bill would amend the Act of August 24, 1966 by redefining, deleting, or adding to the definitions of terms used under such Act as follows:

(1) Section 2(b) of the Act would be amended to redefine the term "Secretary" to read "The Secretary of Agriculture of the United States or his representative who shall be an employee of the United States Department of Agriculture;"

(2) Section 2(c) of the Act would be amended to expand the definition of the term "commerce" to include "trade, traffic, commerce, transportation among the several States, or between any State,"

(3) Sections 2 (d), (e), (f), (g) and (h) of the Act would be deleted.

(4) A new section 2(d) would be added to the Act which defines the term "affecting commerce" to read "in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;"

This definition is intended to broaden the authority under the Act to regulate persons who supply animals which are intended for use in research facilities, for exhibition, or as pets.

(5) A new section 2(e) would be added to the Act redefining the term "research facility" to include those using any live animals, as defined under the bill, and eliminating the existing requirement under the Act that only research facilities using dogs and cats must register and thereby comply with the Act as it applies to other species. Further, the Secretary may exempt schools, hospitals, or clinics, or any other person that does not use or intend to use live dogs or cats. Such institutions or persons using substantial numbers (as determined by the Secretary) of live animals in biomedical research or testing may not be exempted.

(6) A new section 2(f) would be added to the Act which would expand the term "dealer" to include persons distributing animals intended for use for research or teaching purposes or for exhibition purposes or for use as pets. It includes those persons who acquire live animals, prepare them as biological specimens and sell them for use

in schools, colleges, etc., as teaching aids. The term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer.

(7) A new section 2(g) would be added to the Act which would define the term "animal" to include any live or dead dog or cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit or such other warm-blooded animals as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet. Such term excludes horses not used for research purposes and other farm animals, such as, but not limited to, livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. Under this section of the bill, it would be expected that the Secretary would designate additional species of those animals not previously covered as permitted by available funds and manpower.

(8) A new section 2(h) would be added to the Act defining the term "exhibitor" which would extend the requirements of the Act to persons who acquire animals for purposes of exhibition. The term excludes retail pet stores, and organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary.

The term specifically includes carnivals, circuses and zoos exhibiting animals, whether operated for profit or not.

Section 4.—This section of the bill would extend the licensing requirements of the Act to require an exhibitor to be licensed. As a condition of the license issuance, an exhibitor must demonstrate that the physical facilities for the housing, care, and handling of animals are in compliance with the standards issued under Section 13 of the Act. Retail pet stores or other persons who derive less than a substantial amount of their income (as determined by the Secretary) from the breeding and raising of dogs and cats on their own premises and who sell such animals to a dealer or research facility are not required to obtain a license. Wholesale pet dealers or distributors are not exempt under this section.

Section 5.—This section would require all persons operating as exhibitors or dealers to have licenses from the Secretary, which licenses have not been suspended or revoked.

Section 6.—This section would require an exhibitor to comply with the 5-day holding period presently required only of dealers. Operators of auction sales subject to Section 12 of the Act would not be required to comply with the provisions of this section.

Section 7.—This section would require the registration of exhibitors not licensed under Section 3 of the Act, as well as research facilities.

Section 8.—This section would permit research facilities to purchase dogs and cats from licensed exhibitors and operators of auction sales subject to Section 12 of the Act, as well as from licensed dealers.

Section 9.—This section would extend the provisions of the Act so as to require any department, agency, or instrumentality of the United

States to purchase or otherwise acquire animals for research, experimentation or exhibition only from an operator of an auction sale subject to Section 12 of the Act or from an exhibitor or dealer licensed under the Act, unless such exhibitor or dealer is exempt from the licensing requirements.

Section 10.—This section of the bill would amend the Act so as to make the act, omission, or failure of *any person* acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed under Section 3 of the Act, or an operator of an auction sale subject to Section 12 of the Act, the act, omission, or failure of such research facility, dealer, exhibitor, licensee or operator of an auction sale, as well as such person. The current provisions of the Act only cover the acts, omissions, or failures of *individuals* and do not apply to exhibitors.

Section 11.—This section of the bill would extend the recordkeeping requirements of the Act to exhibitors, and require all dealers and exhibitors to make and retain specified records relating to all animals, as defined under the bill, rather than dogs or cats as presently required under the Act for research facilities and dealers. Research facilities would be required to make and keep records relating only to live dogs and cats. All such records would be required to be made available at all reasonable times for inspection and copying by the Secretary.

Section 12.—This section of the bill would extend the marking and identification requirements of the Act to exhibitors and research facilities, as well as dealers, and would include animals, as defined under the bill, rather than only dogs and cats as presently required under Section 11 of the Act. However, only live dogs and cats would be required to be so marked or identified by a research facility.

Section 13.—This section would also authorize the Secretary to license the operators of auction sales, where any dogs or cats are sold and such sales are affecting commerce. In addition, the section would extend the recordkeeping and standards of humane handling under the Act to the purchase, handling, and sale of animals, as defined in the bill, rather than only dogs or cats, at auction sales by dealers, research facilities, exhibitors and by the operators of the auction sales.

Section 14.—This section of the bill would extend the provisions of the Act to include exhibitors, in addition to dealers and research facilities, as being required to meet standards for the humane handling, care, treatment and transportation of animals. The requirements for establishing such humane standards would be expanded to include "handling" as an additional minimum standard. The present requirement in the Act with regard to the standards for "adequate veterinary care" would be expanded to include the appropriate use of anesthetic, analgesic, or tranquilizing drugs, when the use of such drugs is considered proper in the opinion of the attending veterinarian of such research facilities. The Department will publish standards and guidelines for use by the attending veterinarian in his determination as to the proper use of these drugs during actual research or experimentation.

This section of the bill specifically provides that nothing in the Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or

performance of actual research or experimentation by a research facility as determined by such research facility.

The section further provides that the Secretary shall require an annual report from every research facility in which they must show that professionally acceptable standards governing the care, treatment, and use of animals during experimentation are being followed by the research facility during actual research or experimentation.

Section 15.—This section would amend the Act to require any department, agency, or instrumentality of the United States exhibiting animals to comply with the standards promulgated by the Secretary under Section 13 of the Act.

Section 16.—This section would amend Section 15 of the Act to require the Secretary to consult and cooperate with Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for exhibition, as well as for research or experimentation as now provided for in the Act, when promulgating standards under Section 13.

Section 17.—This section would amend section 16 of the Act to extend the Secretary's current authority to make investigations and inspections of operations of dealers and research facilities to exhibitors and operators of auction sales. Such inspections and investigations are required to be made to determine whether any such person has violated or is violating any provision of the Act or any regulation or standard issued under the Act. For such purposes, Section 16 would be amended to give the Secretary access, at all reasonable times, to the places of business and the facilities, animals, and records required to be kept by any such dealer, exhibitor, research facility, or operator of an auction sale.

The Secretary would also be required to promulgate rules and regulations to enable inspectors to confiscate or destroy any animal found suffering as a result of failure to comply with any provisions of the Act, rule, or regulation, or standard issued under the Act, if such animal is held by a dealer, exhibitor, or operator of an auction sale, or a research facility and the animal is no longer needed by the research facility to carry out the research, experiment, or test for which such animal has been utilized.

This section would also add new subsections (b) and (c) to Section 16. Subsection (b) would prohibit forcible assaults upon or other offenses against any person engaged in or because of the performance of his official duties under the Act. Subsection (c) would incorporate, by reference, provisions (including penalties) of the Federal Trade Commission Act and Title II of the Organized Crime Control Act of 1970 authorizing requirements of reports, authorizing administrative subpoenas, conferring other investigative and hearing powers, providing for writs of mandamus, and providing for criminal or civil penalties for failure to obey a subpoena or willful false entries in records or reports and other similar offenses, and providing for immunity for witnesses under certain circumstances. Subsection (c) would also give specified courts jurisdiction specifically to enforce, and to prevent and restrain violations of the Act, and jurisdiction in certain other kinds of cases arising under the Act.

Section 18.—This section of the bill would add exhibitors and operators of auction sales to the requirements of Section 17 of the Act

concerning the inspection of animals and records at reasonable hours by legally constituted law enforcement agencies.

Section 19.—This section repeals Section 18 of the Act.

Section 20.—This section of the bill would extend the cease and desist and suspension and revocation provisions of Section 19 of the Act to exhibitors and operators of auction sales, as well as dealers, for violations of the provisions of the Act or any of the rules, regulations, or standards promulgated under the Act by the Secretary. Also, this section would provide civil penalties for any dealer, exhibitor, or operator of an auction sale who knowingly fails to obey a cease and desist order made by the Secretary under Section 19. Such penalties are now provided for with respect to cease and desist orders issued against any research facility under Section 20 of the Act.

Subsection (b) of Section 20 would amend Section 19(b) of the Act to provide an opportunity for an appeal of any final order issued by the Secretary under Section 19 of the Act to a United States court of appeals upon the basis of the record upon which the Secretary acted, in accordance with the provisions of Sections 701-706 of Title 5, United States Code.

Subsection (c) of this section would make exhibitors and operators of auction sales subject to the penalty provisions of Section 19(c) of the Act.

Section 21.—This section would clarify the authority of the Secretary to issue orders requiring research facilities to cease and desist from violating provisions of the standards under the Act, as well as any provisions of the Act or the rules and regulations issued thereunder. Also, this section would provide an opportunity for an appeal of such an order to a United States Court of Appeals as in the cases of orders which would be issued under Section 19 of the Act.

Section 22.—This section would add a new Section 25 to the Act to require the Secretary to submit a report to the President of the Senate and to the Speaker of the House by not later than March of each year, which will include :

(1) Identification of all research facilities, exhibitors, and other licensees under the Act.

(2) The nature and place of all investigations and inspections conducted under Section 16 of this Act and all reports received by the Secretary under Section 13 of this Act.

(3) Recommendations for legislation to improve the administration of this Act or any provisions thereof.

It is not anticipated that this report will be used to harass dealers, research facilities, exhibitors or operators of auction sales subject to Section 12 of this Act. Furthermore, the report as well as any supporting documents, data, or findings shall not be released to any member of the public unless and until the report is made public by an appropriate Congressional Committee.

Section 23.—This section provides for the effective dates of enactment of the several sections of the bill.

Sections 16, 17, 19, and 20 would be effective thirty (30) days after enactment of this bill. These provide for strengthening the enforcement measures under the Act of August 24, 1966. It is considered necessary for these sections to be effective at an earlier date because they provide vital and important tools with regard to civil penalties for

violations, protection of inspectors against assaults, provision for subpoena powers, and additional inspection authorities which are needed for the effective enforcement of the Act.

Other sections of the bill would be effective one year from date of enactment to provide for the orderly implementation of the additional workload authorized. This will permit sufficient time for the necessary consultations and collection of expert data necessary to the development of the additional standards, rules and regulations required to be issued under the bill.

PART III—PROPOSED CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman) :

THE ACT OF AUGUST 24, 1966 (PUBLIC LAW 89-544)

* * * * *

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use.] That, in order to protect the owners of animals from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use.

SEC. 2. When used in this Act—

(a) The term “person” includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

(b) The term “Secretary” means the Secretary of Agriculture[::] of the United States or his representative who shall be an employee of the United States Department of Agriculture;

(c) The term “commerce” means [commerce between any State,] trade, traffic, commerce, transportation among the several States, or between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but

through any place outside thereof; or within any territory, possession, or the District of Columbia;

[(d) The term "dog" means any live dog (*Canis familiaris*);]

[(e) The term "cat" means any live cat (*Felis catus*);]

[(f) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments;]

[(g) The term "dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes;]

[(h) The term "animal" means live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits.]

(d) the term "affecting commerce" means in commerce, or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;

(e) The term "research facility" means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: Provided, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act;

(f) The term "dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer;

(g) The term "animal" means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for

improving animal nutrition, breeding, management or production efficiency, or for improving the quality of food or fiber; and

(h) The term "exhibitor" means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary.

SEC. 3. The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of this Act: *Provided*, That no such license shall be issued until the dealer or exhibitor shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 13 of this Act: *Provided, however*, That any retail pet store or other person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility shall not be required to obtain a license as a dealer or exhibitor under this Act. The Secretary is further authorized to license, as dealers or exhibitors persons who do not qualify as dealers or exhibitors within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

[SEC. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility any dog or cat, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer under this Act any dog or cat, unless and until such dealer shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.]

SEC. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

SEC. 5. No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal or within such other period as may be specified by the Secretary[.]: *Provided*, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section."

SEC. 6. Every research facility and every exhibitor not licensed under section 3 of this Act shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

SEC. 7. It shall be unlawful for any research facility to purchase any dog or cat from any person except *an operator of an auction sale subject to Section 12 of this Act* or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

SEC. 8. No department, agency, or instrumentality of the United States which uses animals for research or experimentation or *exhibition* shall purchase or otherwise acquire any dog or cat for such purposes from any person except *an operator of an auction sale subject to Section 12 of this Act* or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

[SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a research facility or a dealer, or a person licensed as a dealer pursuant to the second sentence of section 3, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, or other person as well as of such individual.]

SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to Section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person.

[SEC. 10. Research facilities and dealers shall make, and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of dogs and cats but not monkeys, guinea pigs, hamsters, or rabbits as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection by the Secretary, by any Federal officer or employee designated by the Secretary.]

SEC. 10. Dealers and exhibitors shall make, and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

SEC. 11. All [dogs and cats] *animals* delivered for transportation, transported, purchased, or sold [in commerce by any dealer], *affecting commerce, by a dealer or exhibitor* shall be marked or identified at such time and in such humane manner as the Secretary may prescribe[.]: *Provided, That only live dogs and cats need be so marked or identified by a research facility.*

[SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of dogs or cats by dealers or research facilities at auction sales.]

SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act.

[SEC. 13. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.]

SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines or performance of actual research or experimentation by a research facility as determined by such research facility: Provided, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation.

SEC. 14. Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 13. Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13.

SEC 15. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research [or experimentation], *experimentation or exhibition* when establishing standards pursuant to section 13 and in carrying out the purposes of this Act.

(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in [effectuating] *carrying out* the purposes of this Act and of any State, local, or municipal legislation or ordinance on the same subject.

[SEC. 16. The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer or research facility has violated or is violating any provision of this Act or any regulation issued thereunder. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animals found to be suffering as a result of a failure to comply with any provision of this Act or any regulation issued thereunder if (1) such animals are held by a dealer, or (2) such animals are held by a research facility and are no longer required by such research facility to carry out the research, test, or experiment for which such animals have been utilized.]

SEC. 16. (a) *The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to Section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.*

(b) *Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.*

(c) *For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26,*

1914 (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970." (62 Stat. 856; 18 U.S.C. 6001 et seq.), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act.

SEC. 17. The Secretary shall [issue rules and regulations requiring licensed dealers and research facilities] *promulgate rules and regulations requiring dealers, exhibitors, research facilities and operators of auction sales subject to section 12 of this Act to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.*

SEC. 18. [Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility as determined by such research facility.]

[SEC. 19. (a) If the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary may suspend such person's license temporarily, but not to exceed twenty-one days, and, after notice and opportunity for hearing, may suspend for such additional period as he may specify or revoke such license, if such violation is determined to have occurred and may make an order that such person shall cease and desist from continuing such violation.]

[(b) Any dealer aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).]

[(c) Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than \$1,000, or both.]

SEC. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act has violated or is violating any provisions of this Act, or any

of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of section 701-706 of title 5, United States Code, Judicial review of any such order shall be upon the record which the final determination and order of the Secretary were based.

(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both.

SEC. 20. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the [rules or regulations] *rules, regulations, or standards* promulgated by the Secretary hereunder and if, after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. Such cease and desist order shall become effective fifteen days after issuance of the order. Any research facility which knowingly fails to obey a cease-and-desist order made by the Secretary under this section shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

[(b) Any research facility aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such order, seek review of such order in the district court for the district in which such research facility is located in the manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).]

(b) Any research facility aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of section 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

SEC. 21. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 22. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 23. The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as Congress may from time to time provide.

SEC. 24. The regulations referred to in section 10 and section 13 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 13 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time.

SEC. 25. *Not later than March of each year following the enactment of the "Animal Welfare Act of 1970," the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—*

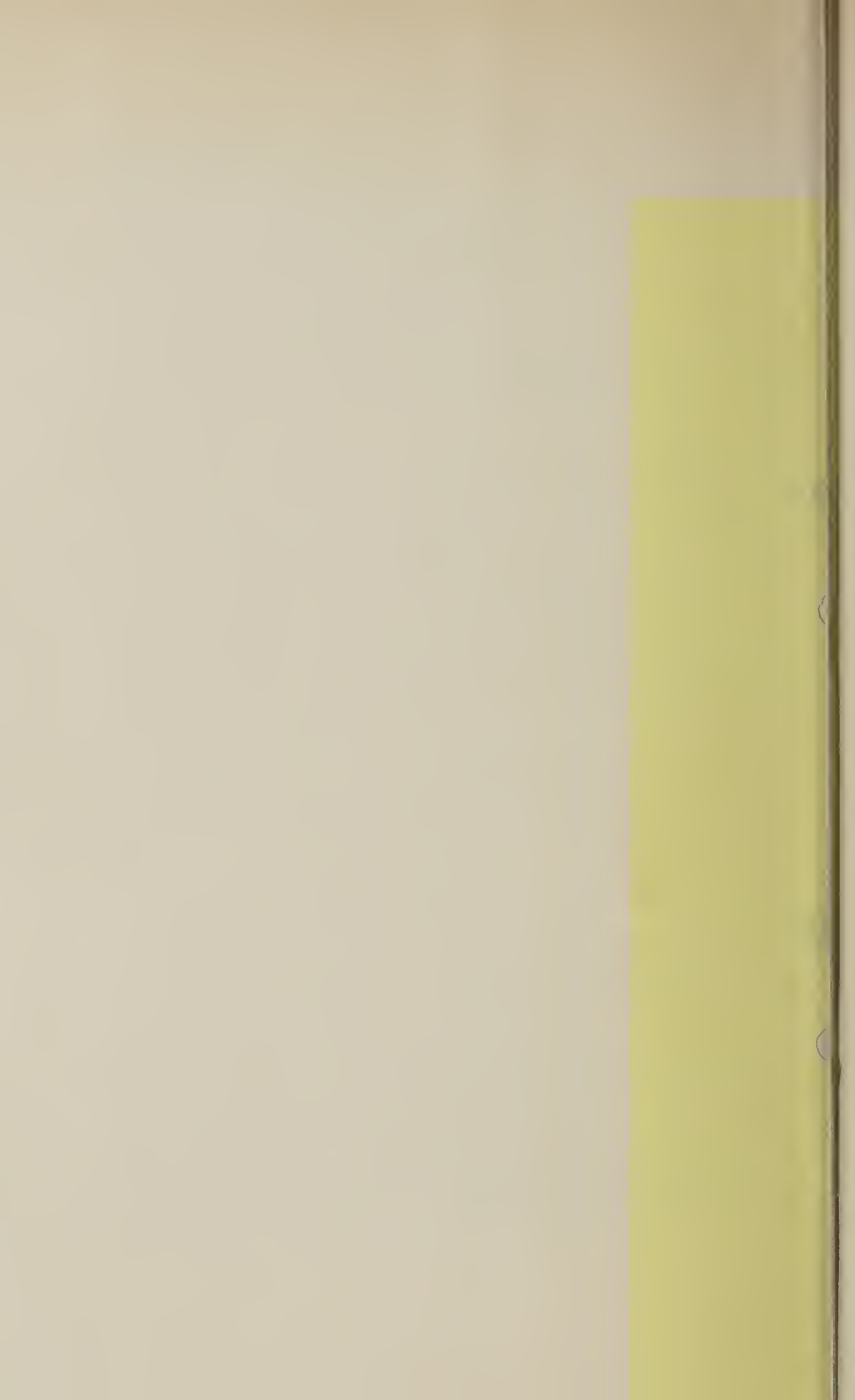
(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

(3) recommendations for legislation to improve the administration of this Act or any provision thereof.

This report as well as any supporting documents, data, or findings shall not be released to any persons, non-Federal agencies or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives.

Note.—The proposed amendments to the Act of August 24, 1966, shall take effect one year after the date of enactment of this legislation, except for the amendments to sections 16, 17, 19, and 20 of the Act, which shall become effective thirty days after the date of enactment of H.R. 19846.



91ST CONGRESS
2^D SESSION

H. R. 19846

[Report No. 91-1651]

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 23, 1970

Mr. PURCELL (for himself, Mr. ABBITT, Mr. BELCHER, Mr. FOLEY, Mr. JONES of North Carolina, Mr. KLEPPE, Mr. LOWENSTEIN, Mrs. MAY, Mr. MAYNE, Mr. MELCHER, Mr. MONTGOMERY, Mr. POAGE, Mr. PRICE of Texas, Mr. RARICK, Mr. SEBELIUS, Mr. SISK, Mr. ZWACH, and Mr. WHITEHURST) introduced the following bill; which was referred to the Committee on Agriculture

DECEMBER 2, 1970

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Animal Welfare Act
4 of 1970".

5 SEC. 2. The first section of the Act of August 24, 1966
6 (Public Law 89-544; 80 Stat. 350), as amended, is amended
7 to read as follows: "That, in order to protect the owners of
8 animals, from the theft of their animals, to prevent the sale or
9 use of animals which have been stolen, and to insure that cer-

tain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use.”

SEC. 3. Section 2 of such Act is amended—

(1) in subsection (b) by striking the semicolon after the word “Agriculture” and inserting the following: “of the United States or his representative who shall be an employee of the United States Department of Agriculture;”;

(2) in subsection (c) by striking the words “commerce between any State,” and inserting in lieu thereof the words “trade, traffic, commerce, transportation among the several States, or between any State,”;

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

“(d) The term ‘affecting commerce’ means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, ex-

1 libitation, or held for sale as pets, by burdening or obstructing
2 or substantially affecting commerce or the free flow of
3 commerce;

4 “ (e) The term ‘research facility’ means any school (ex-
5 cept an elementary or secondary school), institution, organi-
6 zation, or person that uses or intends to use live animals in
7 research, tests, or experiments, and that (1) purchases or
8 transports live animals affecting commerce, or (2) receives
9 funds under a grant, award, loan, or contract from a depart-
10 ment, agency, or instrumentality of the United States for the
11 purpose of carrying out research, tests, or experiments: *Pro-*
12 *vided*, That the Secretary may exempt, by regulation, any
13 such school, institution, organization, or person that does not
14 use or intend to use live dogs or cats, except those schools,
15 institutions, organizations, or persons, which use substantial
16 numbers (as determined by the Secretary) of live animals
17 the principal function of which schools, institutions, organiza-
18 tions, or persons, is biomedical research or testing, when in
19 the judgment of the Secretary, any such exemption does
20 not vitiate the purpose of this Act;

21 “ (f) The term ‘dealer’ means any person who for com-
22 pensation or profit delivers for transportation, or transports,
23 except as a common carrier, buys, or sells any animals
24 whether alive or dead, affecting commerce, for research or
25 teaching purposes or for exhibition purposes or for use as

1 pets, but such term excludes any retail pet store except such
2 store which sells any animals to a research facility, an ex-
3 hibitor, or a dealer;

4 “(g) The term ‘animal’ means any live or dead dog, cat,
5 monkey (nonhuman primate mammal), guinea pig, ham-
6 ster, rabbit, or such other warm-blooded animal, as the Sec-
7 retary may determine is being used, or is intended for use,
8 for research, testing, experimentation, or exhibition purposes,
9 or as a pet; but such term excludes horses not used for re-
10 search purposes and other farm animals, such as, but not lim-
11 ited to livestock or poultry, used or intended for use as food
12 or fiber, or livestock or poultry used or intended for use for
13 improving animal nutrition, breeding, management, or pro-
14 duction efficiency, or for improving the quality of food or
15 fiber; and

16 “(h) The term ‘exhibitor’ means any person (public or
17 private) exhibiting any animals, which were purchased in
18 commerce or the intended distribution of which affects com-
19 merce, or will affect commerce, to the public for compensa-
20 tion, as determined by the Secretary, and such term in-
21 cludes carnivals, circuses, and zoos exhibiting such animals
22 whether operated for profit or not; but such term ex-
23 cludes retail pet stores, organizations sponsoring and all
24 persons participating in State and country fairs, livestock
25 shows, rodeos, purebred dog and cat shows, and any other

1 fairs or exhibitions intended to advance agricultural arts and
2 sciences, as may be determined by the Secretary.”

3 SEC. 4. Section 3 of such Act is amended—

4 (1) in the first sentence thereof after the words
5 “licenses to dealers” by inserting the words “and
6 exhibitors”;

7 (2) in the first proviso thereof after the words
8 “until the dealer” by inserting the words “or exhibitor”;

9 (3) in the second proviso thereof after the words
10 “That any” by inserting the words “retail pet store or
11 other”;

12 (4) in the second proviso thereof after the words
13 “as a dealer” insert the words “or exhibitor”; and

14 (5) in the last sentence thereof after the words “as
15 dealers” each time such words appear, insert the words
16 “or exhibitors”.

17 SEC. 5. Section 4 of such Act is amended to read as
18 follows:

19 “SEC. 4. No dealer or exhibitor shall sell or offer to
20 sell or transport or offer for transportation, affecting com-
21 merce, to any research facility or for exhibition or for use
22 as a pet any animal, or buy, sell, offer to buy or sell, trans-
23 port or offer for transportation, affecting commerce, to or
24 from another dealer or exhibitor under this Act any animal,
25 unless and until such dealer or exhibitor shall have obtained a

1 license from the Secretary and such license shall not have
2 been suspended or revoked.”

3 SEC. 6. Section 5 of such Act is amended—

4 (1) by inserting after the words “No dealer” the
5 words “or exhibitor”; and

6 (2) by inserting before the period at the end thereof
7 the proviso “: *Provided*, That operators of auction sales
8 subject to section 12 of this Act shall not be required to
9 comply with the provisions of this section”.

10 SEC. 7. Section 6 of such Act is amended by inserting
11 after the words “research facility” the words “and every ex-
12 hibitor not licensed under section 3 of this Act”.

13 SEC. 8. Section 7 of such Act is amended—

14 (1) by inserting between the words “except” and
15 “a person” the words “an operator of an auction sale
16 subject to section 12 of this Act or”; and

17 (2) by inserting between the words “as a dealer”
18 and “issued” the words “or exhibitor”.

19 SEC. 9. Section 8 of such Act is amended—

20 (1) by inserting after the words “or experimenta-
21 tion” the words “or exhibition”;

22 (2) by inserting between the words “except” and
23 “a person” the words “an operator of an auction sale sub-
24 ject to section 12 of this Act or”; and

(3) by inserting between the words “as a dealer” and “issued” the words “or exhibitor”.

SEC. 10. Section 9 of such Act is amended to read as follows:

“SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person.”

SEC. 11. Section 10 of such Act is amended to read as follows:

“SEC. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live

1 dogs and cats. Such records shall be made available at all
2 reasonable times for inspection and copying by the Secre-
3 tary.”

4 SEC. 12. Section 11 of such Act is amended—

5 (1) by striking the words “dogs and cats” and
6 inserting in lieu thereof the word “animals”;

7 (2) by striking the words “in commerce by any
8 dealer” and inserting in lieu thereof the words “, affect-
9 ing commerce, by a dealer or exhibitor”; and

10 (3) by striking the period at the end thereof and
11 inserting the following: “: *Provided*, That only live dogs
12 and cats need be so marked or identified by a research
13 facility.”.

14 SEC. 13. Section 12 of such Act is amended to read as
15 follows:

16 “SEC. 12. The Secretary is authorized to promulgate
17 humane standards and recordkeeping requirements govern-
18 ing the purchase, handling, or sale of animals, affecting com-
19 merce, by dealers, research facilities, and exhibitors at
20 auction sales and by the operators of such auction sales. The
21 Secretary is also authorized to require the licensing of opera-
22 tors of auction sales where any dogs or cats are sold, affecting
23 commerce, under such conditions as he may prescribe, and
24 upon payment of such fee as prescribed by the Secretary
25 under section 23 of this Act.”

1 SEC. 14. Section 13 of such Act is amended to read as
2 follows:

3 “SEC. 13. The Secretary shall promulgate standards to
4 govern the humane handling, care, treatment, and transporta-
5 tion of animals by dealers, research facilities, and exhibitors.
6 Such standards shall include minimum requirements with re-
7 spect to handling, housing, feeding, watering, sanitation, ven-
8 tilation, shelter from extremes of weather and temperatures,
9 adequate veterinary care, including the appropriate use of
10 anesthetic, analgesic or tranquilizing drugs, when such use
11 would be proper in the opinion of the attending veterinarian
12 of such research facilities, and separation by species when the
13 Secretary finds such separation necessary for the humane han-
14 dling, care, or treatment of animals. In promulgating and
15 enforcing standards established pursuant to this section, the
16 Secretary is authorized and directed to consult experts, in-
17 cluding outside consultants where indicated. Nothing in this
18 Act shall be construed as authorizing the Secretary to promul-
19 gate rules, regulations, or orders with regard to design, out-
20 lines, guidelines, or performance of actual research or
21 experimentation by a research facility as determined by such
22 research facility: *Provided*, That the Secretary shall require,
23 at least annually, every research facility to show that profes-
24 sionally acceptable standards governing the care, treatment,
25 and use of animals, including appropriate use of anesthetic,

1 analgesic, and tranquilizing drugs, during experimentation
2 are being followed by the research facility during actual
3 research or experimentation.”

4 SEC. 15. Section 14 of such Act is amended by adding
5 at the end thereof the following new sentence: “Any depart-
6 ment, agency, or instrumentality of the United States exhibit-
7 ing animals shall comply with the standards promulgated by
8 the Secretary under section 13.”

9 SEC. 16. Section 15 of such Act is amended—

10 (1) in subsection (a) by striking the words “or
11 experimentation” and inserting in lieu thereof the words
12 “, experimentation or exhibition”; and

13 (2) in subsection (b) by striking the word “ef-
14 fectuating” and inserting in lieu thereof the words
15 “carrying out”.

16 SEC. 17. Section 16 of such Act is amended to read as
17 follows:

18 “SEC. 16. (a) The Secretary shall make such investi-
19 gations or inspections as he deems necessary to determine
20 whether any dealer, exhibitor, research facility, or operator
21 of an auction sale subject to section 12 of this Act, has vio-
22 lated or is violating any provision of this Act or any regula-
23 tion or standard issued thereunder, and for such purposes,
24 the Secretary shall, at all reasonable times, have access to
25 the places of business and the facilities, animals, and those

1 records required to be kept pursuant to section 10 of any
2 such dealer, exhibitor, research facility, or operator of an
3 auction sale. The Secretary shall promulgate such rules and
4 regulations as he deems necessary to permit inspectors to
5 confiscate or destroy in a humane manner any animal found
6 to be suffering as a result of a failure to comply with any
7 provision of this Act or any regulation or standard issued
8 thereunder if (1) such animal is held by a dealer, (2) such
9 animal is held by an exhibitor, (3) such animal is held by a
10 research facility and is no longer required by such research
11 facility to carry out the research, test, or experiment for
12 which such animal has been utilized, or (4) such animal is
13 held by an operator of an auction sale.

14 “(b) Any person who forcibly assaults, resists, opposes,
15 impedes, intimidates, or interferes with any person while en-
16 gaged in or on account of the performance of his official duties
17 under this Act shall be fined not more than \$5,000, or im-
18 prisoned not more than three years, or both. Whoever, in the
19 commission of such acts, uses a deadly or dangerous weapon
20 shall be fined not more than \$10,000, or imprisoned not more
21 than ten years, or both. Whoever kills any person while en-
22 gaged in or on account of the performance of his official duties
23 under this Act shall be punished as provided under sections
24 1111 and 1114 of title 18, United States Code.

25 “(c) For the efficient administration and enforcement of

1 this Act, the provisions (including penalties) of sections 6, 8,
2 9, and 10 of the Act entitled "An Act to create a Federal
3 Trade Commission, to define its powers and duties, and for
4 other purposes," approved September 26, 1914 (38 Stat.
5 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (ex-
6 cept paragraph (c) through (h) of section 6 and the last
7 paragraph of section 9), and the provisions of ~~the~~ *Title II*
8 of the "Organized Crime Control Act of 1970" (62 Stat.
9 856; 18 U.S.C. 6001 *et seq.*), are made applicable to the
10 jurisdiction, powers, and duties of the Secretary in adminis-
11 tering and enforcing the provisions of this Act and to any
12 person, firm, or corporation with respect to whom such
13 authority is exercised. The Secretary may prosecute any
14 inquiry necessary to his duties under this Act in any part of
15 the United States, including any territory, or possession
16 thereof, the District of Columbia, or the Commonwealth of
17 Puerto Rico. The powers conferred by said sections 9 and 10
18 of the Act of September 26, 1914, as amended, on the district
19 courts of the United States may be exercised for the purposes
20 of this Act by any district court of the United States. The
21 United States district courts, the District Court of Guam, the
22 District Court of the Virgin Islands, the highest court of
23 American Samoa, and the United States courts of the other
24 territories, are vested with jurisdiction specifically to enforce,
25 and to prevent and restrain violations of this Act, and shall

1 have jurisdiction in all other kinds of cases arising under this
2 Act, except as provided in sections 19 (b) and 20 (b) of
3 this Act.”

4 SEC. 18. Section 17 of such Act is amended by striking
5 the phrase “issue rules and regulations requiring licensed
6 dealers and research facilities” and inserting in lieu thereof
7 the phrase “promulgate rules and regulations requiring deal-
8 ers, exhibitors, research facilities, and operators of auction
9 sales subject to section 12 of this Act”.

10 SEC. 19. Section 18 of such Act is repealed.

11 SEC. 20. Section 19 of such Act is amended to read as
12 follows:

13 “SEC. 19. (a) If the Secretary has reason to believe
14 that any dealer, exhibitor, or operator of an auction sale sub-
15 ject to section 12 of this Act, has violated or is violating any
16 provisions of this Act, or any of the rules or regulations or
17 standards promulgated by the Secretary hereunder, he may
18 make an order that such person shall cease and desist from
19 continuing such violation, and if such person is licensed under
20 this Act, the Secretary may also suspend such person’s license
21 temporarily, but not to exceed twenty-one days, and after
22 notice and opportunity for hearing, may suspend for such
23 additional period as he may specify, or revoke such license, if
24 such violation is determined to have occurred. Any dealer,
25 exhibitor, or operator of an auction sale subject to section 12

1 of this Act, who knowingly fails to obey a cease and desist
2 order made by the Secretary under this section, shall be
3 subject to a civil penalty of \$500 for each offense, and each
4 day during which such failure continues, shall be deemed a
5 separate offense.

6 “(b) Any dealer, exhibitor, or operator of an auction
7 sale aggrieved by a final order of the Secretary issued pur-
8 suant to subsection (a) of this section may, within sixty days
9 after entry of such an order, seek review of such order in the
10 United States court of appeals for the circuit in which such
11 person has his principal place of business, or in the United
12 States Court of Appeals for the District of Columbia Circuit,
13 in accordance with the provisions of sections 701–706 of title
14 5, United States Code. Judicial review of any such order
15 shall be upon the record upon which the final determination
16 and order of the Secretary were based.

17 “(c) Any dealer, exhibitor, or operator of an auction
18 sale subject to section 12 of this Act, who violates any pro-
19 vision of this Act shall, on conviction thereof, be subject
20 to imprisonment for not more than one year, or a fine of
21 not more than \$1,000, or both.”

22 SEC. 21. Section 20 of such Act is amended—

23 (1) in subsection (a) by striking the words “rules
24 or regulations” and inserting in lieu thereof the words
25 “rules, regulations, or standards”; and

1 (2) by amending subsection (b) to read as follows:

2 “(b) Any research facility aggrieved by a final order
3 of the Secretary, issued pursuant to subsection (a) of this
4 Act, may within sixty days after entry of such order, seek
5 review of such order in the United States court of appeals
6 for the circuit in which such research facility has its principal
7 place of business, or in the United States Court of Appeals
8 for the District of Columbia Circuit, in accordance with the
9 provisions of sections 701–706 of title 5, United States Code.
10 Judicial review of any such order shall be upon the record
11 upon which the final determination and order of the Sec-
12 retary were based.”

13 SEC. 22. Such Act is further amended by adding at the
14 end thereof the following new section:

15 “SEC. 25. Not later than March of each year following
16 the enactment of the ~~“Laboratory Animal Welfare Act~~
17 ~~Amendments Act of 1970,”~~ “*Animal Welfare Act of 1970*”,
18 the Secretary shall submit to the President of the Senate and
19 the Speaker of the House of Representatives a comprehensive
20 and detailed written report with respect to—

21 “(1) the identification of all research facilities,
22 exhibitors, and other persons and establishments licensed
23 by the Secretary under section 3 and section 12 of this
24 Act;

25 “(2) the nature and place of all investigations and

1 inspections conducted by the Secretary under section 16
2 of this Act, and all reports received by the Secretary
3 under section 13 of this Act; and

4 “(3) recommendations for legislation to improve
5 the administration of this Act or any provisions thereof.

6 This report as well as any supporting documents, data, or
7 findings shall not be released to any other persons, non-Fed-
8 eral agencies, or organizations unless and until it has been
9 made public by an appropriate committee of the Senate or
10 the House of Representatives.”

11 SEC. 23. The amendments made by this Act shall take
12 effect one year after the date of enactment of this Act, ex-
13 cept for the amendments to sections 16, 17, 19, and 20 of the
14 Act of August 24, 1966, which shall become effective thirty
15 days after the date of enactment of this Act.

[Report No. 91-1651]

A BILL

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

By Mr. PURCELL, Mr. ABBITT, Mr. BELCHER, Mr. FOLEY, Mr. JONES of North Carolina, Mr. KLEPPER, Mr. LOWENSTEIN, Mrs. MAY, Mr. MAYNE, Mr. MELCHER, Mr. MONTGOMERY, Mr. POAGE, Mr. PRICE of Texas, Mr. RARICK, Mr. SEBELIUS, Mr. SISK, Mr. ZWACH, and Mr. WHITEHURST

NOVEMBER 23, 1970

Referred to the Committee on Agriculture

DECEMBER 2, 1970

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 7, 1970
91st-2nd; No. 195

CONTENTS

Agricultural Appropriations.....1	Highway construction...4,9	River basins.....2
Animals.....2	International trade.....12	Rivers, harbors, and flood control.....2
Appropriations.....8	NACOA.....2	Rural development.....13
Bills passed.....2	NAL.....2	Charles B. Shuman.....6
Economy.....10	Peanut acreage allotments.....9	Sugars, sirups, and molasses.....3
Environment.....2	Peanuts.....2	Survivor annuities.....2
Food stamps.....14	Rep. Poage.....7	Table.....Attachment
Foreign trade.....5	Race Horses.....9	Tariffs.....3
Freight rates.....11	Relocation assistance...2	Water Bank Act.....8
		Wildlife & water fowl...8

HIGHLIGHTS: Conferees filed agricultural appropriations report.
House passed bills regarding gifts for NAL; animal welfare; peanut acreage allotments; and shooting animals from aircraft.
Rep. Cabell paid tribute to Chairman Poage.
Rep. Gerald R. Ford inserted President's address before NAM.
Senate passed Water Bank Act, a peanut acreage allotment bill, and Federal -Aid Highway amendments

HOUSE

1. AGRICULTURAL APPROPRIATIONS. Conferees filed a report on H.R. 17923, the FY 71 agricultural appropriation bill (H. Rept. 91-1680). A summary is attached reflecting the action taken by the conferees. pp. H11294-7, H11298

Dec. 7, 1970

HOUSE

2. BILLS PASSED.

S. 1079, consenting to the Susquehanna River Basin compact. This bill now goes to the President. pp. H11150-64

H.R. 19402, authorizing the acceptance of gifts for the National Agricultural Library. pp. H11149-50

The following were passed under suspension of the rules:

S. 437, relating to survivor annuities under the civil service retirement program; agreed to an amendment in the nature of a substitute. pp. H11185-9

H.R. 19877, an omnibus rivers, harbors, and flood control bill. pp. H11189-206

House passed under suspension of Rules H.R. 19846 with amendment, proposed animal welfare bill. pp. H11206-12

H.R. 17582, amending peanut marketing quota provisions. pp. H11213-4

S. 1, with amendment, providing relocation assistance and establishing equitable land acquisition policies. pp. H11216-25

H.R. 15188, amended, providing a criminal penalty for shooting at certain animals from an aircraft. pp. H11257-9

H.R. 17436, with amendment, providing for a National Environmental Data System. pp. H11259-62

H.R. 19576, amended, establishing the National Advisory Committee on the Oceans and Atmosphere. pp. H11262-4

3. TARIFFS. Committee on Ways and Means reported with amendment, H.R. 7626, amending the Tariff Schedules with respect to the tariff classification of certain sugars, sirups, and molasses (H. Rept. 91-1674). p. H11298

4. HIGHWAY CONSTRUCTION. Vacated previous action of passing and laying on the table of H.R. 19504; subsequently repassed bill. pp. H11147

5. FOREIGN TRADE. Rep. Findley warned of possible retaliation against soybean exports if trade bill passes. pp. H11285-6

6. CHARLES B. SHUMAN. Rep. Findley paid tribute to Mr. Charles B. Shuman upon his retirement as President of the American Farm Bureau Federation. p. H11286

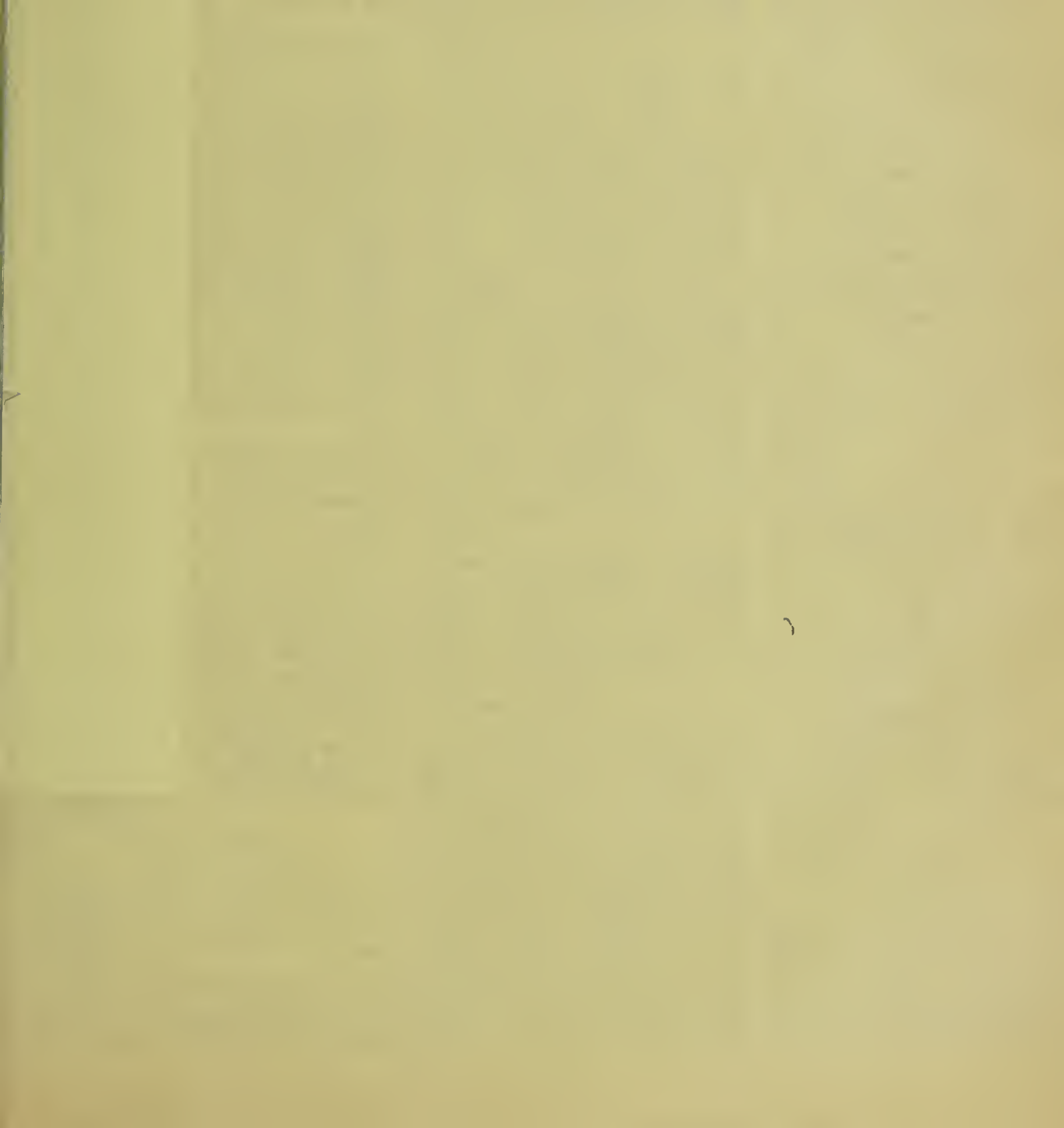
7. REP. POAGE. Rep. Cabell joined in honoring Chairman Poage upon the announcement of the building of the "Bob Poage Land Technology Center" on the Texas State Technical Institute campus in Waco, Texas. pp. H11286

SENATE

8. APPROPRIATIONS; WATER BANK ACT; WILDLIFE & WATER FOWL. Passed without amendment and cleared for the President:

H.R. 19830, FY 1971 Appropriations for HUD; and

H.R. 15770, to preserve and improve wildlife habitat (Water Bank Act). pp. S19521-59; S19485-6



thus, on the average, provides only 80 percent treatment. Town C has the latest equipment and provides 98 percent treatment. Cities D and E have pretty good treatment at say, 90 percent.

It is obvious that when this river gets to the sea or to one of the Great Lakes or enters another river, it is still going to be a polluting river: it is still going to be dirty, even though each of the cities along its course has tried to do a good job in preventing pollution.

I am not a chemist. I am not an engineer. But I believe that it would be feasible to give some consideration to the construction of river treatment plants at the mouths of certain of our rivers. These plants would be large, would be expensive, but they would be a major factor in improving the quality of our waterways and seacoasts.

I am sure that they could be constructed in such a way that they would not need to impair navigation or organic life. By making use of natural channels and currents, or a series of intake systems these plants could treat nearly 100 percent of the river's waterflow. Already there are powerplants along New England rivers which manage to use nearly or completely 100 percent of a river's water for their cooling process without disturb the flow of that river. This treatment could precipitate out toxic heavy metals, provide phosphate removal, skim off oils and other petroleum wastes and remove other wastes that had escaped the various small treatment plants along the river's course. In addition, before passing the water on to the sea, lake, or other river, the plant could provide aeration treatment which could, in a very real sense, restore the vitality and life qualities of the water.

I offer this as an idea to consider. It may be somewhat futuristic, but I believe that we must think ahead and plan now if we are to save our environment for tomorrow.

Another, alternative idea for reviving the Great Lakes has just been suggested in an article that appeared in the November 7, 1970, Saturday Review by John R. Sheaffer. Although Mr. Sheaffer's ideas may require some testing for their long-range soundness, a research and demonstration grant has been made to begin implementation of his idea. It is through creative thinking such as this, and the will to carry through with adequate financing, that we will in time be able to save the lakes. Because of the importance of Mr. Sheaffer's project, I would like to reprint portions of the Saturday Review article in the RECORD at this point:

REVIVING THE GREAT LAKES

(By John R. Sheaffer)

The death of Lake Erie has been announced. Premature aging, brought on by excessive intake of powerful stimulants, is given as the cause. And it is said that the whole Great Lakes system is rapidly being brought to the end of its life by the same malady.

This calamitous news should not be accepted as the final word. The Great Lakes have been grievously abused, but the effects are not irreversible. Technology competent to restore a fondly remembered past

is available. All we lack is the will to use it.

The revival could be started by one simple official order: "No direct discharge of any wastes into any watercourse."

There are those who will say that such a directive would be meaningless for practical purposes because alternate means of waste disposal either are not available or are far too expensive to contemplate. But the Federal Water Quality Administration of the U.S. Department of the Interior is gambling the biggest single project grant in its history on the conviction that a workable substitute for indiscriminate dumping into the lakes is at hand. FWQA is committed to spend \$2 million on the opening phase of a research project intended to demonstrate that sewage and factory effluent presently being poured into Lake Michigan can be diverted to fertilize barren land in Michigan. If all projections for the scheme prove out, this new waste disposal system will pay for itself and net a profit, perhaps even stimulate the economy of Michigan by building up an agro-industrial complex of respectable size.

Michigan's Muskegon County, fronting on the eastern shore of the lake directly opposite Milwaukee, is the scene of this precedent-setting experiment, which is built around acceptance of the principle that nature is a closed ecological system and that wastes, when properly cycled back into the system, are valuable resources. Wastes become liabilities only when they lose their rightful place in the cycle. Human and animal excrement, emptied into watercourses, stimulates aquatic plant growth and turns lakes into bogs. When spread upon the land, however, the same chemical constituents of waste give nutriment to food grains and vegetables.

Historically, the closed-system principle, though recognized by professional ecologists, has been ignored in practice in this country. We have dumped our wastes into rivers and lakes for generations. As long as the human population remained a statistically insignificant factor in the system, oxygen and bacteria in the water decomposed the waste and redistributed the chemicals in the purifying process. A certain amount of acceleration occurred in the rate of eutrophication (a geological process through which lakes gradually fill up and become first marshes and then dry land) but not enough to be distressing.

However, as cities and towns multiplied and grew and as household conveniences such as detergents were added to the burden of sewage, the amount of waste rose to flood proportions. Phosphorus, potassium, and nitrogen released into the water encouraged proliferation of colonies of plants to choke streams and lake beds, exhaust the oxygen supply, and overwhelm the restorative microorganisms. Idyllic watercourses deteriorated into stagnant, stinking pools.

William J. Bauer, founder of the Bauer Engineering Company of Chicago, Ill., proposed coupling of the sewage outlets of twelve cities and townships into one great outlet pipe that swung away from Lake Michigan, Muskegon Lake, Mona Lake, and White Lake—traditional sinks for the wastes in these communities—and fifteen miles inland to virtually uninhabited sandy barrens of the eastern part of the county. There the pipe would empty into three aerated lagoons, each covering eight acres. These manmade basins, agitated continually by streams of air from mechanical mixers to minimize odor while bacterial colonies in the waste matter decomposed their host, would be big enough to hold the waste flow up to three days. This would enable accommodation of sudden surges of water such as occur after storms. And, because of the volume of water contained at one time, toxic industrial spills could kill the restorative bacteria and yet

remain under treatment long enough for a new bacterial colony to grow and do its necessary work.

The enormous advantage represented by the latter circumstance may not be widely appreciated because most people do not realize that the conventional sewage treatment system in use in most American communities suffers regular spells during which the helpful bacteria are dead and the sewage simply passes through the system in an almost raw state. These spells last anywhere from seven to ten days. If six of them happen each year (one Midwestern state suggests that as an average), almost raw sewage is dumped into watercourses about one day in every week.

The system . . . designed for Muskegon County called for two storage lagoons to hold the waste after it had passed through the aerating lagoons. Each of these storage receptacles would occupy 900 acres. Their purpose would be to hold the waste during the winter months when the ground would be too hardened by cold to absorb the effluent. After being withheld until the return of milder weather, the waste might be used as fertilizer during the remainder of the year.

[The] system finally called for the effluent to be piped from the storage lagoons to rotary irrigation rigs, which would spray the liquid with its suspended solids over almost 6,000 acres of now unproductive but potentially valuable sandy soil.

One appendix to the plan estimated a profit of \$740,000 a year from sale of corn that could be grown on the irrigated fields, a quadrupling of the value of the land because of the irrigation, opening of at least 1,200 new jobs, recreational development of shorelines now useless because of uglification caused by water pollution, and construction of a 200-boat marina. Another appendix described a new industrial complex that might be built around the corn crop. Among its suggested products were feed for cattle, oil for the human diet, charcoal for use in Muskegon's existing paper mill, starch for the paper mill and for a foundry, carbon dioxide gas for a carbonate mill, calcium hydroxide for use on the irrigated land, and furfuryl alcohol for the finishing of office furniture.

Apart from its dollars and cents aspect, the Bauer system offered an intangible human bonus of inestimable value. This arises from a growing suspicion among public health physicians that many rapidly spreading diseases in this country are transmitted by viruses. How do the viruses travel? Their presence is not sought by any water quality tests now in use. Studies have been made of viruses in sewage, however, and thirteen different viruses have been found in raw sewage, in effluent from primary (one-step) sewage treatment plants, and in effluent from secondary (two-step) treatment plants as well. A month-long sequestration of the effluent in oxidation ponds kills 70 per cent of the viruses. But only after the effluent is filtered through soil do the viruses disappear altogether. Researchers have discovered that soil particles possess an electrical affinity for viruses, which allows the viruses to be grabbed by the soil and held long enough to be dismembered into innocuous protein.

Students of irrigation had one serious question about the Muskegon plan. It had to do with the established fact that elsewhere, in the past, prolonged irrigation saturated the land and created within it a mound of water that in time destroyed the enterprise. Because the thick layer of glacial debris—sands and gravel—underlying Muskegon County is incapable of holding water for long, the danger here was not great. Nevertheless, the . . . system eliminated it by providing a network of drainage wells through which any threatening accumulation of ex-

cess water could be pumped back into the county's rivers and lakes.

In mid-September U.S. Interior Secretary Walter J. Hickel announced that FWQA, which operates within his Cabinet jurisdiction, had awarded a \$1,083,750 research and demonstration grant and an additional \$981,650 construction grant to the Muskegon project. These sums cover only the first year of a seven-year commitment. Secretary Hickel fixed the total cost at approximately \$30-million. Of this, the federal government which will pay 55 per cent, the state of Michigan 25 per cent, and Muskegon County the balance. Design specifications are now being prepared for bids. Construction will be awarded about January 1, 1971, and the system ought to be in operation in 1972.

"If this project is completely successful, there will be many more opportunities to utilize similar systems in the Great Lakes region," Secretary Hickel said in his September announcement. This is unquestionably true. The Great Lakes basin is made up of glacial outwash plains. Large stretches of well-drained soil suitable for irrigation lie within reach of urban centers but beyond commuting zones and thus are susceptible to purchase at unexploited farmland prices. If we take the Muskegon irrigation tract as a model, simple mathematics tells us that a billion gallons of waste water per day (that is the flow rate of Chicago's sewage disposal system, the largest in the country) can be disposed of on 260,000 acres of land. A preliminary survey of the major metropolitan areas in the United States suggests that all of them could be served in this manner by using marginal lands equivalent to no more than 2 percent of the acreage on which fifty-nine principal crops were harvested in 1968.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California (Mr. JOHNSON), that the House suspend the rules and pass the bill H.R. 19877.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from California?

There was no objection.

CASE OF ANIMALS USED FOR RESEARCH

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19846) to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, as amended.

The Clerk read as follows:

H.R. 19846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Act of 1970".

SEC. 2. The first section of the Act of August 24, 1966 (Public Law 89-544; 80 Stat. 350), as amended, is amended to read as follows:

That, in order to protect the owners of animals, from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use."

SEC. 3. Section 2 of such Act is amended—

(1) in subsection (b) by striking the semicolon after the word "Agriculture" and inserting the following: "of the United States or his representative who shall be an employee of the United States Department of Agriculture";

(2) in subsection (c) by striking the words "commerce between any State," and inserting in lieu thereof the words "trade, traffic, commerce, transportation among the several States, or between any State,";

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

"(d) The term 'affecting commerce' means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;

"(c) The term 'research facility' means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: *Provided*, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act;

"(f) The term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer;

"(g) The term 'animal' means any live or dead dog, cat, monkey, nonhuman primate mammal, guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber; and

"(h) The term 'exhibitor' means any per-

son (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which were purchased in commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary."

SEC. 4. Section 3 of such Act is amended—

(1) in the first sentence thereof after the words "licenses to dealers" by inserting the words "and exhibitors";

(2) in the first proviso thereof after the words "until the dealer" by inserting the words "or exhibitor";

(3) in the second proviso thereof after the words "That any" by inserting the words "retail pet store or other";

(4) in the second proviso thereof after the words "as a dealer" insert the words "or exhibitor"; and

(5) in the last sentence thereof after the words "as dealers" each time such words appear, insert the words "or exhibitors".

SEC. 5. Section 4 of such Act is amended to read as follows:

"SEC. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked."

SEC. 6. Section 5 of such Act is amended—

(1) by inserting after the words "No dealer" the words "or exhibitor"; and

(2) by inserting before the period at the end thereof the proviso: "Provided, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section".

SEC. 7. Section 6 of such Act is amended by inserting after the words "research facility" the words "and every exhibitor not licensed under section 3 of this Act".

SEC. 8. Section 7 of such Act is amended—

(1) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(2) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

SEC. 9. Section 8 of such Act is amended—

(1) by inserting after the words "or experimentation" the words "or exhibition";

(2) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(3) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

SEC. 10. Section 9 of such Act is amended to read as follows:

"SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee,

or an operator of an auction sale as well as of such person."

Sec. 11. Section 10 of such Act is amended to read as follows:

"Sec. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary."

Sec. 12. Section 11 of such Act is amended—

(1) by striking the words "dogs and cats" and inserting in lieu thereof the word "animals";

(2) by striking the words "in commerce by any dealer" and inserting in lieu thereof the words "affecting commerce, by a dealer or exhibitor"; and

(3) by striking the period at the end thereof and inserting the following: "Provided, That only live dogs and cats need be so marked or identified by a research facility."

Sec. 13. Section 12 of such Act is amended to read as follows:

"Sec. 12. The Secretary is authorized to promulgate humane standards and record-keeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act."

Sec. 14. Section 13 of such Act is amended to read as follows:

"Sec. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation."

Sec. 15. Section 14 of such Act is amended by adding at the end thereof the following new sentence: "Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13."

Sec. 16. Section 15 of such Act is amended—

(1) in subsection (a) by striking the words "or experimentation" and inserting in lieu thereof the words "experimentation or exhibition"; and

(2) in subsection (b) by striking the word "effectuating" and inserting in lieu thereof the words "carrying out".

Sec. 17. Section 16 of such Act is amended to read as follows:

"Sec. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraph (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970" (62 Stat. 856; 18 U.S.C. 6001 *et seq.*), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States, the United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except

as provided in sections 19(b) and 20(b) of this Act."

Sec. 18. Section 17 of such Act is amended by striking the phrase "issuance rules and regulations requiring licensed dealers and research facilities" and inserting in lieu thereof the phrase "promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act".

Sec. 19. Section 18 of such Act is repealed.

Sec. 20. Section 19 of such Act is amended to read as follows:

"Sec. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both."

Sec. 21. Section 20 of such Act is amended—

(1) in subsection (a) by striking the words "rules or regulations" and inserting in lieu thereof the words "rules, regulations, or standards"; and

(2) by amending subsection (b) to read as follows:

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

Sec. 22. Such Act is further amended by adding at the end thereof the following new section:

Sec. 25. Not later than March of each year following the enactment of the "Animal Welfare Act of 1970," the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

"(1) the identification of all research fa-

cilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act of any provisions thereof.

This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

SEC. 23. The amendments made by this Act shall take effect one year after the date of enactment of this Act, except for the amendments to sections 16, 17, 19, and 20 of the Act of August 24, 1966, which shall become effective thirty days after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mrs. MAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. FOLEY) will be recognized for 20 minutes and the gentlewoman from Washington (Mrs. May) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Washington (Mr. FOLEY).

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, the Agriculture Committee brings to the floor this afternoon what we consider to be a major step forward in the protection of animal welfare in the United States. This follows the landmark legislation passed in 1966 by the 89th Congress, but it expands considerably on that legislation in four areas.

First, the bill expands the definition of the term "animal" to include additional species. At present the act applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and nonhuman primate mammals.

This bill, within its definition includes all warm-blooded animals designated by the Secretary, with certain specific limitations and defined exceptions.

Second, the bill regulates more individuals and organizations which handle live animals, and will bring into the framework of the legislation for the first time exhibitors such as circuses, zoos, carnivals, road shows, and wholesale pet dealers.

Third, the bill establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care including the appropriate use of pain-killing drugs, including the appropriate use of analgesics and tranquilizing drugs. The bill specifically guarantees the absolute authority of the research institutions to

conduct research experiments so that the enlightened leadership of the United States in the medical and scientific research field will not in any way be diminished.

Fourth, the bill strengthens the Secretary of Agriculture's enforcement authority by broadening the statutory concept of "commerce," and by increasing the penalties against persons convicted of interfering with, assaulting, or killing Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

Mr. Speaker, this bill is the result of months of difficult legislative effort. It involved in its early stages great controversy. It was a bill that many thought could never reach this floor. However, because of the exceptional cooperation of persons of good will and devotion not only to the cause of animal welfare, but to the advancement of scientific research and knowledge, this bill has the substantial support of the medical research community, the pharmaceutical industry, other industrial organizations, and the many organizations and individuals directly concerned with animal welfare.

Mr. Speaker, the Subcommittee on Livestock and Grains of the Committee on Agriculture held many hearings and other meetings in attempting to bring this bill to fruition.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman from Washington be good enough to refresh my memory as to other legislation on this general subject? Did not that legislation come from the Committee on Interstate and Foreign Commerce and is not the enforcement of that legislation fixed in some other department or agency of the Government?

Mr. FOLEY. I will say to the gentleman from Iowa that the jurisdiction over this legislation and its predecessor legislation in the other body is in the Committee on Commerce, but in the House the jurisdiction lies in the Committee on Agriculture.

In 1966, the predecessor legislation was reported by the Committee on Agriculture to the House and the enforcement lies with the Department of Agriculture.

Mr. GROSS. Did not the House pass legislation on the subject of humane treatment of animals?

Mr. FOLEY. Yes, we passed legislation in the 89th Congress, in 1966.

Mr. GROSS. Was that not enacted into law?

Mr. FOLEY. It was enacted into law and this bill would extend and expand upon that basic legislation.

Mr. GROSS. But the enforcement is not lodged, or is it lodged in the Department of Agriculture?

Mr. FOLEY. It is lodged in the U.S. Department of Agriculture. The existing law which was passed in 1966 is enforced now by the Department of Agriculture.

Mr. GROSS. Is this law to be combined with the enforcement of the other law

and to become a part thereof, or if enacted what might amount to another agency for the enforcement of this law?

Mr. FOLEY. No. The enforcement of this law will be conducted by the same department of Government and by the same sector of that department as administers the present law.

Mr. GROSS. What has been the expenditure annually for the enforcement of the other law?

Mr. FOLEY. The present annual estimated expenditure is around \$350,000 per annum, plus \$24,000—

Mr. GROSS. For this bill that is before us today, is that right?

Mr. FOLEY. No. For the existing law.

Mr. GROSS. This bill would add an estimated \$1.2 million to the cost of the program, is that right? \$1.2 million?

Mr. FOLEY. That is correct.

Mr. GROSS. What did the gentleman say had been the prior cost for the legislation?

Mr. FOLEY. In fiscal year 1970—\$352,600.

Mr. GROSS. Is this not going up pretty fast on the administrative side, and on the enforcement side?

Mr. FOLEY. The existing law provides protection of live dogs and cats, and other live animals from theft and sale to research laboratories, and provides humane treatment of animals used in research. This bill goes farther in extending the number of animals that are covered, and expands the type of protection that is offered under the regulations, as well as the organizations and individuals which are to be regulated.

For example, as I mentioned earlier, for the first time wholesale pet dealers, road shows, zoos, circuses, and animal exhibits, with some exceptions are covered, and it provides responsibility for adequate ventilation, care and humane treatment that the present law does not require of those agencies or exhibitors.

Mr. GROSS. Am I correctly informed that the Department of Agriculture is not very enthusiastic about this bill?

Mr. FOLEY. The Department of Agriculture supported the legislation with some reservations, as the gentleman will find in the report.

Mr. GROSS. I thank the gentleman.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, the bill provides in certain parts that animals should be given tranquilizers under certain circumstances?

Mr. FOLEY. Yes, the bill does mandate adequate veterinarian care, including the use of analgesics and tranquilizing drugs, but it does preserve complete control of the research institutions with respect to the use of analgesics or tranquilizing drugs. In other words, Congress imposes an ethic of adequate veterinary care including appropriate use of pain relieving drugs but the decisions are exclusively in the hands of the research institutions, and their judgments are final.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. FOLEY. I yield further to the gentleman.

Mr. ECKHARDT. Do I understand correctly that with respect to this business about interference with research matters that—and I believe it is in section 13, where research organizations were taken out, but still there is provision for inspectors to go into research institutions to find out what is happening under section—what it is—section 17—where the present law is changed to remove the restriction with respect to inspection?

Mr. FOLEY. I just think I can quote the gentleman from the bill itself. Page 9 of the bill, line 17, where it states:

Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility. . . .

Mr. ECKHARDT. But still in section—I believe it is section 17—that originally the law provided that there should not be any such inspections by the Department in the research institutions, and that section was taken out because you say section 13 includes the problem?

Mr. FOLEY. Yes.

Mr. ECKHARDT. But does it really? May not the research institutions be subject to entry and inspection to see if they are engaged in wrongful activities, or should it not be in both places?

Mr. FOLEY. Well, I quote to the gentleman again—it is true that the Secretary and his designated agents may go into a research facility, but they may not interfere in any way with the conduct of an actual research experiment.

The language of the bill is quite specific in stating in the report its intent.

Second, in regard to the amendment to section 13 of the act, it is the intention of the committee that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research is left to the research facility itself.

Mr. ECKHARDT. I understand that, but if that be true, why should they go into the laboratory at all?

Mr. FOLEY. In order to inspect the records of the purchase of the animals by the laboratory to insure that the animals are being purchased in accordance with the law.

They can also raise questions about the animals that are not in actual research concerning their housing and husbandry by the laboratory.

Mr. ECKHARDT. I am in wholehearted agreement with the general purposes of the bill, but I simply have some reservations that we may well be going too far in protecting animals like walking horses and the giving of analgesics to animals and we are not dealing with some rather more important issues.

Mr. FOLEY. I may tell the gentleman that the committee went into this in great detail and tried to write language as strong as possible to make it clear that it is not the intent in any way to override the exclusive and sole discretion of the

research facility in the conduct of experiments and the use of analgesics and tranquilizing drugs on animals in laboratories for experimentation purposes.

I think the concerns of the laboratory community and the medical research community of this country have been largely removed by the bill languages and the committee's intent as printed in the report which I referred to a moment ago.

I can assure you that there were many serious expressions of concern by the research community earlier, and I think that with few exceptions they have been removed.

Mr. MELCHER. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. MELCHER. To further clarify the point raised by our colleague from Texas, I might add that the bill directs the Department to send their people in to investigate the proper husbandry of animals under experimentation, which is something new in the bill. But also the bill does clarify the point that they will not interfere with any of the experimentation process going on—but the husbandry must be up to acceptable standards.

Mr. FOLEY. I thank the gentleman.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. LOWENSTEIN. I simply wanted to assure the gentleman from Texas that some of the concerns that he expressed were considered very carefully in the subcommittee and were taken into account. And also I would assure the gentleman that in my judgment the work of the gentleman from Washington who is now in the well and, in fact, of the whole subcommittee, the chairman included, was quite remarkably diligent in guarding against some of the evils he spoke about.

I want to commend the gentleman in the well for his efforts in behalf of this bill.

Mr. FOLEY. I thank the gentleman from New York.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I commend the gentleman in the well, Mr. FOLEY, and other members of this subcommittee, for the hard work done on this bill.

I rise in support of the Animal Welfare Act of 1970 as reported by the Committee on Agriculture. I was fortunate to have been able to study this bill since it was originally introduced and reported to the Subcommittee on Livestock and Grains on which I serve. The subcommittee spent many days of hearings and debating the merits of this legislation and the changes that need to be made in the present law to further protect warm-blooded animals.

H.R. 19846 has strong bipartisan support and represents a compromise over several proposals presented to the committee. The important point to be made is that we are not tying the hands of researchers who are working with ani-

mals daily to unlock the secrets of dread diseases. Rather, we are just strengthening the provisions of the 1966 act which require these researchers to give the animals they are using the most humane and kindly treatment possible.

This bill extends coverage to more types of animals and also makes the humane requirements applicable to exhibitors of animals. I consider this a very important provision, and one that is needed.

Another provision which has my wholehearted support would allow employees of the Department of Agriculture to make spot inspections to ascertain if the requirements of the legislation are being met.

All in all, Mr. Speaker, we have a bill to protect the welfare of warm-blooded animals and at the same time allow for the continued use of these animals for research programs in a humane manner. I urge my colleagues to suspend the rules and pass the Animal Welfare Act of 1970.

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I would like to report to the House that both the subcommittee and the full Committee on Agriculture reported this bill unanimously.

Mr. Speaker, before I leave the well, I want to pay tribute to all of those outside of the committee in this House who have labored so long and arduously to make this legislation possible. Certainly there are many people, too many to name, representatives of the pharmaceutical community and the research community, and many, many members of organizations committed to a very deep concern for animal welfare, who can be very proud of their constructive efforts in this legislative result.

I must mention one name in particular, however. A very distinguished lady, Mrs. Roger Stevens, the wife of the former Chairman of the National Council on the Arts, has devoted many, many months of work in behalf of this legislation. Her knowledge of the legislative process, her concern for animal welfare, and her determined effort to make this bill a reality has been absolutely indispensable. I know, frankly, without her devoted service and effort we could not possibly have a bill to report to this House this afternoon. She is, herself, the daughter of a noted American scientist, and she has with her intense concern for animal welfare a compatible commitment to the advancement of medical and scientific knowledge.

She held the key role in developing an effective bill which could be enacted, as I believe we shall enact this bill today. I would not like to leave the well of the House without paying special tribute to her efforts for which all who support this legislation owe special gratitude.

I reserve the balance of my time.

Mrs. MAY. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MAY asked and was given permission to revise and extend her remarks and to include extraneous matter.)

Mrs. MAY. Mr. Speaker, I rise in sup-

port of H.R. 19846, the Animal Welfare Act of 1970.

As a sponsor of the original "cat and dog" bill passed in 1966, I am pleased that this expansion and strengthening of the law can be acted upon before we adjourn. I worked with my colleagues on our House Agriculture Committee to draft the original bill, and am glad to have had the opportunity to help shape this one.

Basically, the legislation amends the act of August 24, 1966, relating to the care of animals used for purposes of research experimentation, exhibition, or held for sale as pets. This bill strengthens the administration of that act, and it expands the perimeters of its protection to more animals and to more people who handle, exhibit, buy or sell, or transport them or who use them in the pursuit of medical and scientific knowledge.

As is pointed out in our committee's report on this bill, H.R. 19846 is the result of careful consideration by our Livestock and Grains Subcommittee and our full Committee on Agriculture. It is an effort to demonstrate America's humanity to lesser creatures while maintaining and promoting the national enlightenment in medicine for the care of all mankind. It is a bill which initially was controversial, but which by virtue of good reason and good will and deliberation and discussion by many persons of divergent views, was able to command the unanimous approval of the Committee on Agriculture as well as the joint sponsorship of the entire membership of the Livestock and Grains Subcommittee on which I have the honor of serving as ranking minority member. I know this measure enjoys broad, bipartisan support in this Chamber, as well.

Briefly, the bill goes to four basic points:

First, it expands the definition of the term "animal" to include more species. The present law applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys. All warmblooded animals designated by the Secretary of Agriculture, with limited exceptions, would be included.

Second, it regulates more people who handle animals, such as circuses, zoos, and wholesale pet dealers.

Third, it establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care—including the appropriate use of pain-killing drugs.

And, fourth, it strengthens the Secretary of Agriculture's enforcement powers under the act broadening the statutory concept of "commerce" by increasing the penalties against persons convicted of interfering with Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

I believe this is a good bill, as we have drafted it, and circumstances have demonstrated that it is a necessary one. While it provides additional needed safeguards for the protection and humane treat-

ment of animals, it preserves the domain of the medical community and in no way authorizes the disruption or interference with scientific research or experimentation. It reaffirms our congressional commitment to proper treatment of all animals, and restates our conviction that the work that is done behind that laboratory door should be done with compassion and with care.

I urge my colleagues to approve this legislation.

I include in the RECORD a copy of an article entitled "More Legal Protection on the Way for Animals Behind Bars" by Ann Cottrell Free, published recently in the Washington Star, which contains a great deal of the background of the development of this legislation, as well as tributes to Mrs. Stevens and others who have had so much to do with the development of the bill that is before us:

[From the Washington Sunday Star,
Dec. 6, 1970]

**MORE LEGAL PROTECTION ON THE WAY FOR
ANIMALS BEHIND BARS**
(By Ann Cottrell Free)

The idea behind the proposed Animal Welfare Act of 1970 has been a long time coming into its own—it has been an uphill fight, often resisted by powerful forces—but it looks now as if it may come to a final vote in the closing hours of the 91st Congress.

Its passage will be a tribute to a deepened Congressional ecological conscience. More and more members of Congress are realizing that all living creatures must be treated with decency and respect—regardless of whether they are endangered species roaming in the wild or animals doomed to spend dreary lives behind bars in laboratories or zoos.

There can be little doubt that the passage of the Endangered Species Act one year ago this month and the emphasis in the past year on man's relationship with the earth and all its creatures have had a profound effect on congressional thinking.

The new legislation—which has so many sponsors that this sentence would be consumed by listing them all—has its roots in proposals first made exactly 10 years ago, in 1960. Soon after the 1958 passage of the Federal Humane Slaughter law, humanitarians started laying congressional groundwork to bring some measure of federal supervision over the care and treatment of laboratory animals.

HUMANIACS

The well-funded research explosion was using an unprecedented number of dogs, cats, rodents, primates and a variety of other creatures. Estimates have gone as high as 300 million annually. They were often obtained from questionable sources and treated with less care than the most expendable test tube.

Those persons, who worked for setting standards of care were immediately called anti-vivisectionists or branded as "humaniacs" by some members of the scientific community. In truth, they were violently opposed by the antivivisectionists, who were working for total abolition of animal use.

Though a number of bills were introduced during those years, they went nowhere. In desperation, humane organizations tried new approaches and often fell to quarreling among themselves as to bill content and strategy. (Most of the bills gave supervisory authority to Health, Education and Welfare.)

But 1965 brought the beginning of a breakthrough. Researchers' demands for dogs and cats had grown so great that unprincipled dealers turned to stealing pets. Their boldness and carelessness trapped them.

As more and more "pet-napping" cases turned up, there came to Congress also de-

scriptions of stomach-turning conditions within dealers' compounds. Eyewitnesses told of seeing dead and dying dogs mixed in with live ones in conditions of indescribable filth. Such testimony about this \$30 million business prompted passage of the Laboratory Animal Welfare Act of 1966. This legislation had more than 50 sponsors.

Administration of the act was given to the animal health division of the Department of Agriculture's Research Service. Dealers and purchasers were licensed and required to conform to Agriculture's standards of human treatment of dogs, cats, hamsters, primates, rabbits and guinea pigs.

More than 110 dealers went out of business during the first three years of the program. Licenses of some of the larger dealers have been revoked. Agents have been cursed, threatened and shot at. But even so, the act did not go far enough. There were huge loopholes, and it has been handicapped by lack of funds to employ more inspectors—most of whom are veterinarians and have many other Agriculture Department duties within the states where they are stationed.

Though the act has no authority over care of animals actually being used in research, some institutions have declared the animals "in research" on the moment of arrival. This clearly frustrates the intent of the act to improve conditions of the animals while awaiting research.

More federal authority was needed. In 1968 help came from an unexpected source. A 43-year-old GOP freshman representative from Norfolk, Va., introduced legislation that filled the bill. Rep. G. William Whitehurst would extend the mantle of enlightened care to animals actually undergoing research. But what's more, he asked that the same standards apply to animals in circuses, zoos and the pet trade.

Humanitarians soon learned that it was not only Bill Whitehurst they had to thank, but his wife, Jeanette. "I told the people at the Norfolk SPCA, where I have helped with humane education, that I'd try to lend a hand when we got to Washington," she said the other day.

Whitehurst's bill actually was a beefing up of the "pet-napping" Act and was referred to the House Agriculture Committee, whose chairman has repeatedly shown himself a friend of animals. Texan W. R. Poage has been the key man on the House side on both the humane slaughter and "pet-napping" bills.

Testimony, presented this June before Rep. Graham Purcell's subcommittee, lifted once again the curtain of secrecy on unspeakable conditions among the creatures that perform, amuse and give their lives to man.

"We, who worked there, were always pleased when some animal died to be out of a miserable life," said June W. Badger of Middleburg, Va. She told the committee of conditions in some of the circuses and zoos for which she had worked in the last 19 years. Cramped, unventilated cages, starvation, sadistic punishments. A litany of misery.

The arrival from South and Central America and shipment to pet wholesalers of crates of birds and monkeys were described by Mrs. Christine Stevens.

She is the wife of Roger Stevens, president of the Kennedy Center for the Performing Arts and the government's former cultural chief. Mrs. Stevens is president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation.

IMPORTED ANIMALS

She described wretched conditions of animals that Custom inspectors have overlooked. (They are charged with checking on condition of imported animals.) She told of continued conditions of cramped laboratory housing and of the inhumane environment in many municipal and roadside zoos. Quoting Dr. Desmond Morris, author of the

"Naked Ape," she said, "If zoos are to survive the 20th century, they will have to reform." She introduced into the record a letter in behalf of the Whitehurst bill from Virginia McKenna and Bill Travers, stars of the film "Born Free" and patrons of the Captive Animals Protection Society.

The arrival of dogs and cats at animal auction sales was described by Frank McMahon, field director of the Humane Society of the United States. "I've seen them chained within the trunks of cars. I've seen them jammed in crates and cages. I've seen them sold by the pound." Humane agents of local societies are given rough treatment, he said and under the existing federal law these auctions are exempt from regulation.

The legislation now speeding toward the congressional deadline embodies many of the suggestions made by the men and women who know the problem first hand. Auctions are included. Animal categories have been broadened. Fines for resisting agents have been stiffened. But most important, the Agriculture Committee called for the use of appropriate pain-killers for research animals whenever possible.

(When Agriculture sets the standards for humane handling many humanitarians trust that life-time caging of such research animals as dogs will be eliminated.)

Some of the additions to the Whitehurst bill were called for in bills introduced by Rep. Thomas S. Foley, D-Wash., and in the Senate by Warren Magnuson, D-Wash., Alan Cranston, D-Calif., and William G. Spong, D-Va. When the bill was favorably discharged from the House Agriculture Committee, it bore the name of each member. An exact copy was introduced in the Senate by Robert J. Dole, R-Kan. Hearings by Senator Philip A. Hart's Commerce sub-committee are expected any day.

Even with the evaporation of much of the scientific community's opposition to lab animal legislation and even with the good chance that this measure will miraculously pass this session, there are other hurdles. One is money.

The burden on the Department of Agriculture will be heavier, making necessary the employment of more inspectors. These men, also, have the added duty in coming years of policing the horse shows to see that no "walking horse" brought across state lines has been "sored" to make it step high, wide and handsome. The famous Tydings "walking horse" bill is now awaiting Presidential signature. Sen. Joseph Tydings, D-Md., sponsored it in this session of Congress.

As this session adjourns, left at the post are at least 10 other animal protection measures: air transportation regulations, cessation of shooting wolves and other animals from airplanes over federal lands, elimination of use of agonizing poisons in the government's predator control programs, better conditions at the ports of entry such as Miami. The list is long—but the abuse and suffering have gone on a long time, too.

But at last, what has been described as the "silent lobby" has found its voice. Or could it be that man, for a change, is listening to voices other than his own?

Mr. KLEPPE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from North Dakota, a member of the committee.

Mr. KLEPPE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, there was a point in time, when we started hearings on this legislation, when it looked as if we would probably never get together, but I want to compliment the gentleman from Washington for his explanation and the gentlewoman from Washington for her

remarks, as well as all other members of the committee for working on this very controversial piece of legislation.

Mr. Speaker, the legislation before us today represents the best possible approach by the House Agriculture Committee, the Department of Agriculture, and interested individuals, to the protection of animals.

The proposal, H.R. 19846, expands the definition of the term "animal" to include any live or dead dog, cat, monkey, guinea pig, hamster, rabbit, or such other warmblooded animal, that the Secretary of Agriculture may determine is being used for research, experimentation, or for exhibition purposes, or as a pet. The bill also regulates those individuals handling animals, including wholesale pet dealers, circuses, zoos, carnivals, and road shows.

The bill establishes by law the humane ethic that animals should be given basic creature comforts of adequate housing, ample food and water and reasonable handling.

I might add that the bill in no manner authorizes the disruption or interference with scientific research or experimentation. Under this bill the research scientist still holds the key to the laboratory door. However, the Agriculture Committee and the Congress expect that the work that is done behind the laboratory door will be done with compassion and with care.

Finally, the bill strengthens the enforcement powers of the Secretary of Agriculture by broadening the statutory concept of "commerce" by increasing the penalties against persons convicted of interfering with, assault, or killing Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

Passage of this legislation will not constitute an unnecessary burden to the taxpayers. The current program is financed in part by license fees, and after implementation of this legislation, will become self-supporting.

After extensive hearings on this legislation, this proposal represents a compromise by the Agriculture Committee, the Secretary of Agriculture and a majority of interested individuals.

(Mr. KLEPPE asked and was given permission to revise and extend his remarks.)

Mr. PIRNIE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Speaker, I thank the gentlewoman from Washington for yielding.

I have asked the gentlewoman to yield for two purposes: First, to commend the gentlewoman for her remarks in behalf of this legislation; and second, and very personally, I wish to take note of the fact that with the end of this Congress, my colleague from Washington is leaving this body. I am reminded that we entered the service of the Congress together and served on the same committee. During the 12 years which have passed, the gentlewoman has demonstrated not only her devotion to her con-

stitutents but also her genuine love of her country. She has been a most able Member of the House.

Those of us who have had the privilege of serving with her join with me, I am sure, in an expression of deep affection and respect and the wish that our colleague may have great happiness in the years ahead. We are indeed sorry to lose her from this body.

Mrs. MAY. Mr. Speaker, I thank the gentleman from New York for those very wonderful remarks.

Mr. TEAGUE of California. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I certainly associate myself with the remarks made by the gentleman from New York.

The gentlewoman from Washington has sat on my left hand on the Committee on Agriculture for some years now. She will be sorely missed. I frequently needed her advice and guidance. I do not know what I will do without it.

Mr. Speaker, we all wish the gentlewoman the very best.

Mr. ZWACH. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Wisconsin.

Mr. ZWACH. Mr. Speaker, I thank the gentlewoman for yielding and I associate myself with her remarks and the remarks of the gentleman from Washington.

But beyond that, Mr. Speaker, I want to say as a member of the Committee on Agriculture that I have had tremendous benefits from the association with the gentlewoman and from her knowledge in the field of agriculture. We shall miss the gentlewoman sorely.

Mrs. MAY. Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. PELLY. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, I am sorry the gentlewoman has to yield briefly, because there are many things I would like to say but at this time, at least, I want to state for the record that those of us from the State of Washington regard the gentlewoman with great admiration and affection. We see her leaving Congress as a great loss. I know the agricultural interests of this country feel the same way about it.

Today we had occasion when a Member from the other side of the aisle from the State of Washington led off as far as this particular bill is concerned, and thereby one more example of there being no partisanship on legislation such as this. Our delegation works for the interests in our State and the Nation.

Mr. Speaker, it has been a great personal joy for me to serve with the gentlewoman. I wish her well and great happiness in the future.

Mrs. MAY. Mr. Speaker, I thank my colleague, the gentleman from Washington.

Mr. MAYNE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. Mr. Speaker, I yield the

balance of my time to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I thank the gentlewoman for yielding. Certainly I want to associate myself with the remarks which have been made about her just now for the service she has rendered in this Congress, and particularly on the Committee on Agriculture, and on the Subcommittee on Livestock and Grains, where it has been my privilege during the past 2 years to sit next to the gentlewoman and to have an excellent opportunity to observe the great contribution she has made to the legislative work of this committee, and in all things regarding the work of the Congress.

The gentlewoman certainly has served her constituents with great distinction. Every member of the committee on both sides of the aisle is going to miss the gentlewoman's great talent and integrity very much indeed.

Mr. Speaker, I rise in support of H.R. 19846, the Animal Welfare Act of 1970, and request permission to revise and extend my remarks.

I am pleased to be an original cosponsor of this important legislation and to have had a part in the favorable reporting of the bill by the Livestock and Grains Subcommittee and then by the House Agriculture Committee. It has been a pleasure working with my colleagues on the subcommittee and on the committee on this most recent strengthening of the commitment of Congress and the Nation to the care and protection of dumb animals.

H.R. 19846 expands the definition of covered animals to include all warm-blooded animals designated by the Secretary of Agriculture, rather than just live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys. It brings under regulation more animal handlers, such as circuses and wholesale pet dealers.

The bill establishes by statute the requirement that animals be accorded basic creature comforts of housing, food and water, reasonable handling, sanitation, ventilation, shelter and adequate veterinary care, but does not disrupt or interfere with scientific or medical research or experimentation, with the expectation that such research will be done with compassion and care. The bill also strengthens the Secretary of Agriculture's enforcement powers, including improved procedures for obtaining information. I strongly urge its enactment.

Mr. Speaker, during the hearings which led up to H.R. 19846 a great many discussions were held with responsible individuals who use various animals in biomedical research. They were concerned, as I am sure you will recall, with the changes we were intending to make in section 13 of the act of 1966, and especially with the modification in the definition of "adequate veterinary care" which we felt should be provided during an animal's stay within the laboratory.

Mr. Speaker, I should like to use the remainder of my time for the purpose of addressing certain questions to the distinguished gentleman from Washington (Mr. FOLEY), who is handling the bill as

floor manager for the majority, in order to further establish legislative intent on this point.

I believe essential protection and freedom for the investigator has been assured by including in this section a stipulation to which the gentleman from Washington has already referred, which appears in section 14 of the bill commencing at page 9, line 17, that the Secretary of Agriculture shall not promulgate rules regulations, or orders with regard to design outline, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility.

However I am somewhat concerned that the section-by-section analysis of the bill contained in committee report No. 91-1651, may not be sufficiently clear on this point to anyone who has not had the advantage of the full discussions held by our subcommittee. In order to clear up any possible uncertainty as to the legislative intent on this point, I would like to ask the gentleman from the State of Washington (Mr. FOLEY), who is handling the bill as floor manager for the majority if it is his understanding as it is mine, that the intent of the committee is that while animals are undergoing actual research or experimentation the decision with respect to appropriate use of anesthetic analgesic, or tranquilizing drugs would rest exclusively with the attending veterinarian of such research facility, and that any standards or guidelines promulgated by the Department of Agriculture could be disregarded by the research facility if in its opinion these guidelines were not proper under existing circumstances and research requirements. Further, that the research facility veterinarian would not be required by the Secretary to justify or defend his decision not to employ these agents if inconsistent with or contrary to standards recommended by the Secretary. I would ask the distinguished gentleman from Washington (Mr. FOLEY), if his understanding of the committee intent is the same as that which I have just stated.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. The gentleman has stated the intent of the committee exactly. The statement the gentleman has just made is the intention of the committee in its reporting of this bill to the House for consideration.

Mr. MAYNE. With that assurance from the distinguished gentleman I am happy to renew my support of this very important and salutary legislation. I urge all Members to vote "yea" in support of the bill.

Mr. MIZELL. Mr. Speaker, I rise today in support of H.R. 19846, the Animal Welfare Act of 1970.

This legislation has been a focal point of concern among animal lovers throughout the Nation for some time. I have received dozens of letters from citizens within my own district and from other interested parties seeking my support for this measure.

If ever there was a piece of legislation

considered by this body that deserved the support of all of its Members, this bill must be the one.

I have received correspondence from university professors, attorneys, pharmacists, veterinarians and other professionals interested in this legislation. But a housewife from Thomasville, N.C. wrote one of the most convincing of all the letters I received.

She said:

I realize there are many weighty problems facing you these days, from busing of school children to the Vietnam war. It seems that with all the other pleas these days for so many concerns, the animals just go on suffering needlessly because they can't speak for themselves.

Certainly, we are faced with grave and important issues today—the issue of war and peace, of economics, of racial discord, of rampant crime—but I believe they could all be solved if we would all simply apply a greater measure of humanity in our relations with one another.

And just as certainly, that humanity should be extended to all of the creatures with whom we share this planet. These animals bring us great pleasure, and ask for nothing in return. Surely we can see that to return pain for pleasure, even to animals, makes us all a little less humanitarian, and this we cannot afford, especially at a time when humanitarianism is in such short supply.

This bill includes provisions regulating the transportation, purchase, sale, housing care, handling and treatment of warmblooded animals used in research or public exhibition. These provisions will insure that the animals are humanely treated, and will set standards to be rigidly maintained.

I urge my colleagues to vote with me for passage of this legislation.

Mr. MATSUNAGA. Mr. Speaker, as one with a longstanding interest in improving the standard of care, handling, and treatment of laboratory and other animals, I strongly support H.R. 19846, the proposed Animal Welfare Act of 1970.

In a number of ways, this legislation will significantly strengthen the existing law. More species of animals will be protected: all warmblooded animals designated by the Secretary of Agriculture, with but a few specific exceptions.

Further, not only animals used by laboratories are covered. Wholesale pet dealers will be required to comply with the law's provisions, as will animal exhibitors, such as zoos, carnivals, and circuses.

Mr. Speaker, this bill marks a giant step toward honoring man's moral commitment to take the best possible care of the animals who serve him. I urge its approval.

The SPEAKER. The question is on the motion of the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and pass the bill H.R. 19846, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 8, 1970
91st-2nd; No. 196

CONTENTS

ACP.....4	Federal-aid Highway Act..7	Peanut acreage
Agricultural	Federal pay.....9	allotments.....2
appropriations.....1	Hazardous substances.....7	Railway strike.....5
Animal welfare.....2,8	Housing, urban	Rivers.....10,11
Appropriations.....1	development.....3	Rivers, harbors,
Appropriations-DOT.....7	Novel plant varieties....6	flood control.....12

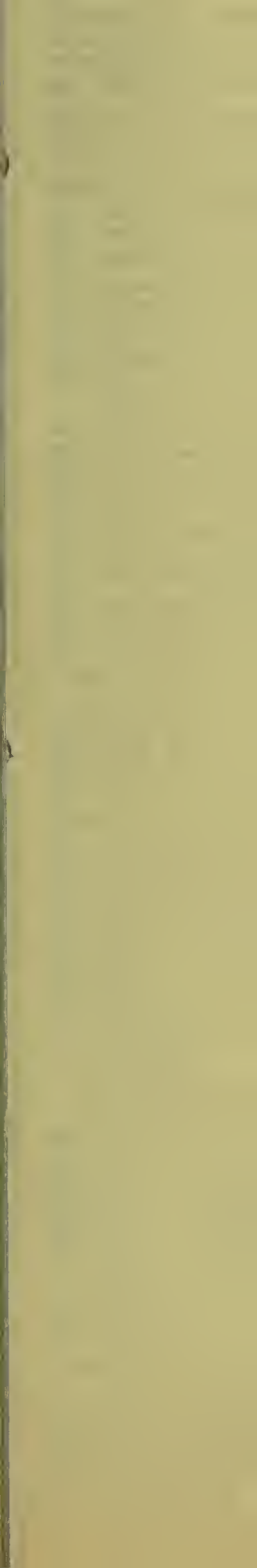
HIGHLIGHTS: Both Houses agreed to the conference report on agricultural appropriations, clearing the measure for the President.
Senate passed and cleared for the President bills affecting peanut acreage allotments, and animal welfare.
House passed with amendments the Plant Variety Protection Act.
Conferees in executive session agreed to file conference report on the proposed Federal Salary Comparability Act.
Sen. Cooper extolled the Agricultural Conservation Program.

SENATE

1. APPROPRIATIONS. Both Houses agreed to the conference report on H.R. 17923, FY 1971 appropriations for the Department of Agriculture. This bill now goes to the President. pp. S19664-81; H11300-6
Passed H.R. 19590, FY 1971 appropriations for the Defense Establishment, with amendments: conference requested and conferees appointed. pp. S19631-64; S19681-712
2. ~~PEANUT ACREAGE ALLOTMENTS; ANIMAL WELFARE. Passed without amendment H.R. 17582, establishing permanent authority for the sale and transfer of peanut acreage allotments; and HR. 19846, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets. Both bills now go to the President. pp. S19690; S19714-6~~
3. HOUSING, URBAN DEVELOPMENT. Passed H.R. 19436, after substituting the language of S. 4368 passed earlier, the proposed Housing and Urban Development Act of 1970, with further amendment. p. S19712
4. ACP. Sen. Cooper praised the Agricultural Conservation Program and called upon President to act to restore funds for the service. pp. S19630-1
5. RAILWAY STRIKE. Both Houses received the President's message concerning the railway strike emergency, (H. Doc. No. 91-424) pp. H11299-300; S19563

HOUSE

6. NOVEL PLANT VARIETIES. Passed with amendments S. 3070, to encourage the development of novel varieties of sexually reproduced plants. pp. H11330-9
7. APPROPRIATIONS-DOT; FEDERAL-AID HIGHWAY ACT; HAZARDOUS SUBSTANCES. Disagreed with Senate amendments, requested conference, and appointed conferees, on the following bills:
H.R. 19504, Federal-Aid Highway Act; and
H.R. 17755, FY 1971 Appropriations for the Department of Transportation. Insisted on its amendment and requested conference on S. 2162, to provide for special packaging to protect children from hazardous substances; conferees appointed. pp. H11300; H11306-24; H11330-9
8. ANIMAL WELFARE. Rep. Whitehurst spoke in favor of H.R. 19846, the Animal Welfare measure and inserted the report "Committee Intent". pp. H11340-1
9. FEDERAL PAY. Conferees, in executive session, agreed to file a conference report on H.R. 13000, proposed Federal Salary Comparability Act of 1970.





endar No. 1259, H.R. 18306, the financial institution bill. That is the situation as far as I see it at the moment.

As long as the distinguished minority leader is on the floor, I think I might say that I have been instructed by the Democratic policy committee to look into the proposals suggested by Senators CRANSTON, SAXBE, HUGHES, and SCHWEIKER; and I am in the process of doing that.

I shall very shortly deliver a memorandum to the distinguished majority leader, and then report back to the policy committee, as instructed, and I would assume the distinguished minority leader would once again take it up with the Republican conference.

Mr. SCOTT. Yes, Mr. President, I might reply to that by saying it has been discussed in rather general terms twice in the Republican conference. There is a broad approval in principle of the necessity and the desirability for reform of some of the in-house procedures to expedite the business of the Senate.

We would very gladly receive suggestions from the majority, and, at our next luncheon, probably next Tuesday, advise our conference and policy committee of the reaction of the majority, and see if we can manage to put into effect those improvements, or expediting, or exhortatory provisions which would help us to accomplish the people's business with greater facility.

I think the four Senators involved ought to be warmly complimented for the time they have put in, for the excellence of their suggestions, and for the fact that they have shown the concern which has made possible the opportunity for both sides of the aisle to give some serious consideration to the kind of thing we may be enabled to do without the necessity, surely for the most part, of our revising the rules of the Senate.

Mr. MANSFIELD. I would agree wholeheartedly with the distinguished minority leader and extend to those four Senators, whom I have already named, our heartfelt thanks and commendation for the initiative which they have shown. There are a few questions which I have raised, which I am sure the distinguished minority leader will look into. There undoubtedly will be a few questions which he will raise. But then we will report back to our respective committees, on the basis of instructions, and then we will see what can be done. I think the result will be very good.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. SAXBE. I would like to say, in my behalf and, I am sure, that of the other Senators who have worked on this matter, that we have greatly appreciated the spirit in which the leadership on both sides have helped us and encouraged us to work on these matters.

I might say that, on my part, I have spoken to every member of the minority and asked for their suggestions.

One thing that we found was that each Senator wanted to contribute to the decorum and workmanlike approach to the problems and the business of the Senate. We found that they were anxious and willing to forgo some of the privileges

and licenses that have been granted over the years. Particularly, we are thinking of floor attendance and participation. All individuals in the policy committees evidenced a willingness to cooperate with the leadership in trying to expedite our business. No one indicated a willingness to conclude our session in December again with great, momentous decisions to be made, with time running out. All indicated a willingness to work harder.

I might suggest that I admired and welcomed the Senator's attitude in saying, "Well, all right, if you are willing to do this, we are going to ask you for it and we are going to ask you to forgo some of these things and we are going to call on you to live up to the consensus you have given your leaders."

It would not have been possible to reach the point where the matter now is had it not been for the Senator's encouragement and openmindedness.

Mr. SCOTT. Mr. President, I want to thank the distinguished Senator from Ohio and to say that underlying the suggestions is the recognized necessity for Senators to plan their day, to plan their weeks, and to plan their year.

I would like to be of any assistance I could in enabling all Senators to respond to the numerous requests from home as far in advance as they might, which presently is by no means possible under the system which we have followed over the years. Because of the increasing business of the Senate, it is necessary for us to stay here. But if we can aid the planning process and expedite the Senate's business at the same time, I would immediately want to do it.

Mr. MANSFIELD. Yes. May I say that the purpose of this statement today is to indicate to the initiators, Senators SAXBE, SCHWEIKER, CRANSTON, and HUGHES, that this matter was not being taken lightly, but was being given the most serious consideration, and was being expedited as much as possible.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. CRANSTON. I also would like to join my dear friend and colleague the Senator from Ohio (Mr. SAXBE) in thanking the leadership on both sides of the aisle for their wonderful cooperation from the outset in this endeavor.

We believe what we have proposed will make the Senate more responsive and more responsible, and will make life more orderly for Senators; and also, I think, our constituents will benefit greatly in their access to us on the great issues that come before us in the Senate.

While Senator SAXBE was talking to every Member on his side of the aisle, I was talking to every Member on my side of the aisle. We picked up many ideas from Senators on both sides. We have refined many of the ideas we started with. I hope we can now move as rapidly as possible to agreement, or as much agreement as we can attain, hopefully, before we go home for Christmas, so that we will not get mixed up in new arguments that will occur before we get back in January.

So that all Senators will know what

the thinking was at the point where the matter was turned over to the leadership, I suggest that we place in the RECORD the memorandum to this point, just so every one will know what we are concerned with at this point.

The PRESIDING OFFICER (Mr. SPONG). Does the Senator ask unanimous consent that that be done?

Mr. MANSFIELD. I ask unanimous consent that the memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

PART I—ITEMS UPON WHICH THERE HAS BEEN CONSIDERABLE AGREEMENT

I. Senate daily schedule

Unanimous Consent

1. Extend Morning Hour by one hour and agree that speeches will be limited to 3 minutes during transaction of routine morning business and that such business shall not exceed 45 minutes on Tuesdays and Thursdays and 30 minutes on all other days, except as the Senate shall decide by unanimous consent when several Senators have arranged a colloquy on a current event of national significance; extend Pastore rule to consideration of legislative matters during Morning Hour. Extend Pastore rule to cover first 3 hours on all new business laid down.

2. During Morning Hour, after transaction of routine morning business; call of calendar on Tuesdays and Thursdays; then on all days consider bills until end of Morning Hour, upon which limitation of debate has been agreed to.

3. During period for consideration of unfinished business, consider bills on which no time limitation agreed to.

4. Special Orders after conclusion of consideration of unfinished business.

5. At appropriate time during above schedule, announce intention to request unanimous consent agreement on following day to limit debate.

II. Senate monthly schedule

1. Recess at close of business on the final Wednesday of each month, reconvene on the following Monday. Concurrent resolution.

2. Recess for at least two weeks before Labor Day in election years. (Note: Reorganization Bill adopted Oct. 6 provides month-long recesses in non-election years.) Concurrent resolution.

III. Control of time immediately prior to roll-call vote and notice to Senators prior to closing debate and rollcalls

1. When a time limit of at least 20 minutes on amendments, and 30 minutes on bills, has been agreed to, require equal division between proponents and opponents of the final 15 minutes on amendments, and on bills, for summation arguments. Include agreement in motions limiting debate by unanimous consent.

2. Add a new bell-ringing signal 5 minutes prior to commencing final 15 minutes on amendments and on bills. By agreement between majority and minority leaders.

IV. Rollcalls

1. Set maximum time to be allowed for roll calls. (20 minute limit is now understood between majority and minority leaders.) General agreement.

2. If maximum time for roll calls is agreed to, arrange for signal light to blink on and off during final 5 minutes of roll calls. By agreement between majority and minority leaders.

V. Authorizations

1. Implement Sen. Magnuson's proposal that consideration of authorization bills will not be in order after a specific date, except

with approval of both majority and minority leaders. (Sen. Magnuson suggests July 31; Sen. Ellender suggests May 31.) Unanimous consent agreement.

VI. Appropriations

Commence action on appropriations without waiting for House action, including mark-up subject to revision when House measures are received, to enable the earliest possible conferences after both bodies have acted. Permissible under present rules through establishment of Appropriations Committee policy.

PART II—ITEMS UPON WHICH NO GENERAL CONSENSUS HAS YET BEEN BOUGHT—SINCE THEY ARE NOT ENTIRELY VOLUNTARY

Voluntary agreements re monitoring, presence of Senators on floor and in Washington, reading prepared speeches, and reduction of number of roll calls

Seek agreement by as many Senators as possible to:

1. To the degree desired by the Leadership, assume monitoring responsibilities and assignments for fulfillment of revisions in Senate procedure and otherwise expediting Senate work (such as objecting to exceptions to 3-minute rule in Morning Hour, violations of Pastore Rule, etc.). Voluntary.

2. Agree to stay on Senate Floor on a regular basis during consideration of bills upon which limitation of debate has been agreed to. Voluntary.

3. Agree to stay in Washington on a regular basis when Senate is in session, restricting absences as much as possible to the Wednesday-night-to-Monday-morning recess at the end of each month. Voluntary.

4. Agree to minimize the reading of prepared speeches on Senate Floor during consideration of bills upon which limitation of time has been agreed to. Voluntary.

5. Agree to restraint in requesting roll calls, and to restraint in providing sufficient second when yeas and nays requested on insignificant matters. Voluntary.

PART III—ITEMS OFFERED FOR CONSIDERATION ONLY, UPON WHICH OPINIONS VARY

Other suggestions

1. Authorizations and Appropriations

a. Observe present 3-day rule on appropriations. Observe present rules.

b. Consider moving toward multi-year authorizations and appropriations where appropriate and feasible. Requires legislation.

c. Explore feasibility of legislation switching from fiscal to calendar year, or to separate budget and legislative sessions. Requires legislation.

2. Quorum Calls

When absence of quorum is suggested when quorum is apparently present, permit presiding officer to stand, count, and declare quorum present, subject to challenge of his ruling. Unanimous consent to waive rule V (2).

3. Morning Hour and Special Orders

a. Recognize Senators in inverse order to amount of time they request. General agreement.

b. If Senator absent when his time arrives, recognize next Senator present and ready to speak; late Senator goes to end of list. General agreement.

AUTHORITY FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that until midnight tonight, all committees be authorized to file their reports, including any minority, additional, supplemental, and individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALE TO AN ALIEN OF THE PASSENGER VESSEL "ATLANTIC"—ORDER TO HOLD BILL AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill (H.R. 16498) to permit the sale to an alien of the passenger vessel *Atlantic* be held temporarily at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARE OF ANIMALS USED IN RESEARCH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 19846, which has come over from the House.

Without objection, the Presiding Officer (Mr. SPONG) laid before the Senate the message from the House of Representatives on the bill (H.R. 19846), an act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COTTON. Mr. President, as the senior Republican member of the Senate Committee on Commerce since 1963, I have watched with great satisfaction the development of our congressional commitment to the protection and humane treatment of animals.

Public Law 89-544, the act amended by the bill which we are considering today, was considered by the Senate Committee on Commerce and enacted into law in 1968. As one of the Senate conferees on the 1966 bill, and one who has had a continuing interest in this area, I have been pleased by the improvements which have resulted from its enactment. However, I have also been disturbed by the need for further improvement.

It is for this reason that I cosponsored at the request of scores of my constituents and in the interests of considering a more effective means of protection, the bill, S. 2446, introduced by Senator JAVITS. This bill would have amended the Public Health Service Act and placed in the Department of Health, Education, and Welfare the responsibility for developing further standards and providing greater assurance for the humane care, handling and treatment of laboratory animals. After much consideration and a careful examination of the bill just passed by the House, H.R. 19846—previously introduced in the Senate by the Senator from Kansas (Mr. DOLE), as S. 4539—I believe the proposal to retain the responsibility for regulation in the Department of Agriculture with a greater grant of authority from Congress is most commendable and deserving of enactment.

Very briefly, the bill will accomplish the following:

First, it will redefine the term "animal" to include all warmblooded animals designated by the Secretary, greatly expanding its coverage;

Second, it will regulate more of the people who handle animals, including exhibitors and wholesale pet dealers;

Third, it sets forth the basic creature comforts which must be afforded to these animals, including the necessity for the avoidance of pain through appropriate drugs and veterinary care. However, it also recognizes the prerogatives of the medical community and the contributions which these animals are making to the health and welfare of mankind, and in no way authorizes the Secretary to control or interfere with scientific research or experimentation; and,

Fourth, it will strengthen the enforcement powers of the Secretary, thereby contributing to the effectiveness of its administration.

I have been informed that this bill has the support of the groups which have expressed their interest in new legislation, including those who conduct the research, and that it is greatly desired. I would hope that with the endorsement of the Committee on Commerce, and after the most commendable work which has been done by the House Committee on Agriculture, the Senate will see fit to pass it without delay.

Mr. DOLE. Mr. President, H.R. 19846, which has been approved by the House of Representatives, is identical to a bill which I introduced on November 24 in an effort to expedite enactment of this important legislation.

I am impressed by the skill evidenced by the designers of this piece of legislation in resolving differences we have seen in the past between humane animal care groups and the medical research community. I know this has taken many months of hearings and consideration by the House Agriculture Committee to reach this point of agreement and I congratulate all those responsible for their efforts in this regard.

Having served as a House conferee for the dognapping bill of 1966, I fully appreciate the accomplishment of the sponsors of this bill.

While this bill provides for the protection of animals used in research and experimentation, it is not just a laboratory animal bill. It extends humane treatment of animals to wholesale pet dealers, zoos, road shows, circuses, carnivals, and auction markets. When the appropriate regulations are assured by the Secretary of Agriculture, the conditions under which these animals are held and exhibited will be immensely improved. The bill quite properly excludes from its provisions county and State fair livestock shows and such exhibitions as are sponsored by the 4-H clubs which are intended to advance the science of agriculture.

It is recognized that this bill and the regulations to be issued thereunder will require the upgrading of facilities within research laboratories. Our medical schools will find that sizable expenditures may be required for this purpose.

The Secretary has broad authority as to the timing of specific regulations and I am sure that he will allow our medical schools ample time to get ready for compliance. I would hope that full consideration for the needs for added funds for this purpose would be given by the appropriate governmental bodies.

Having reached this point, I do not believe that we should delay any further in approving the bill which we now have before us.

Mr. President, an interesting and informative article appeared in Washington's Sunday Star entitled "More Legal Protection on the Way for Animals Behind Bars." I ask unanimous consent that this article be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE LEGAL PROTECTION ON THE WAY FOR ANIMALS BEHIND BARS
(By Ann Cottrell Free)

The idea behind the proposed Animal Welfare Act of 1970 has been a long time coming into its own—it has been an uphill fight, often resisted by powerful forces—but it looks now as it may come to a final vote in the closing hours of the 91st Congress.

Its passage will be a tribute to a deepened Congressional ecological conscience. More and more members of Congress are realizing that all living creatures must be treated with decency and respect—regardless of whether they are endangered species roaming in the wild or animals doomed to spend dreary lives behind bars in laboratories or zoos.

There can be little doubt that the passage of the Endangered Species Act one year ago this month and the emphasis in the past year on man's relationship with the earth and all its creatures have had a profound effect on congressional thinking.

The new legislation—which has so many sponsors that this sentence would be consumed by listing them all—has its roots in proposals first made exactly 10 years ago, in 1960. Soon after the 1958 passage of the Federal Humane Slaughter law, humanitarians started laying congressional groundwork to bring some measure of federal supervision over the care and treatment of laboratory animals.

HUMANIACS

The well-funded research explosion was using an unprecedented number of dogs, cats, rodents, primates and a variety of other creatures. Estimates have gone as high as 300 million annually. They were often obtained from questionable sources and treated with less care than the most expendable test tube.

Those persons, who worked for setting standards of care were immediately called anti-vivisectionists or branded as "humanitarians" by some members of the scientific community. In truth, they were violently opposed by the antivivisectionists, who were working for total abolition of animal use.

Thought a number of bills were introduced during those years, they went nowhere. In desperation, humane organizations tried new approaches and often fell to quarreling among themselves as to bill content and strategy. (Most of the bills gave supervisory authority to Health, Education and Welfare.)

But 1965 brought the beginning of a breakthrough. Researchers' demands for dogs and cats had grown so great that unprincipled dealers turned to stealing pets. Their boldness and carelessness trapped them.

As more and more "pet-napping" cases turned up, there came to Congress also descriptions of stomach-turning conditions within dealers' compounds. Eyewitnesses told

of seeing dead and dying dogs mixed in with live ones in conditions of indescribable filth. Such testimony about this \$30 million business prompted passage of the Laboratory Animal Act of 1966. This legislation had more than 50 sponsors.

Administration of the act was given to the animal health division of the Department of Agriculture's Research Service, Dealers and purchasers were licensed and required to conform to Agriculture's standards of human treatment of dogs, cats, hamsters, primates, rabbits and guinea pigs.

More than 110 dealers went out of business during the first three years of the program. Licenses of some of the larger dealers have been revoked. Agents have been cursed, threatened and shot at. But even so, the act did not go far enough. There were huge loopholes. And it has been handicapped by lack of funds to employ more inspectors—most of whom are veterinarians and have many other Agriculture Department duties within the states where they are stationed.

Though the act has no authority over care of animals actually being used in research, some institutions have declared the animals "in research" and the moment of arrival. This clearly frustrates the intent of the act to improve conditions of the animals while awaiting research.

More federal authority was needed. In 1968 help came from an unexpected source. A 43-year-old GOP freshman representative from Norfolk, Va., introduced legislation that filled the bill. Rep. G. William Whitehurst would extend the mantle of enlightened care to animals actually undergoing research. But what's more, he asked that the same standards apply to animals in circuses, zoos and the pet trade.

Humanitarians soon learned that it was not only Bill Whitehurst they had to thank, but his wife, Jennette. "I told the people at the Norfolk SPCA, where I have helped with humane education, that I'd try to lend a hand when we got to Washington," she said the other day.

Whitehurst's bill actually was a beefing up of the "pet-napping" Act and was referred to the House Agriculture Committee, whose chairman has repeatedly shown himself a friend of animals, Texan W. R. Poage has been the key man on the House side on both the humane slaughter and "pet-napping" bills.

Testimony, presented this June before Rep. Graham Purcell's subcommittee, lifted once again the curtain of secrecy on unspeakable conditions among the creatures that perform, amuse and give their lives to man.

"We, who worked there, were always pleased when some animal died to be out of a miserable life," said June W. Badger of Middleburg, Va. She told the committee of conditions in some of the circuses and zoos for which she had worked in the last 19 years. Cramped, unventilated cages, starvation, sadistic punishments. A litany of misery.

The arrival from South and Central America and shipment to pet wholesalers of crates of birds and monkeys were described by Mrs. Christine Stevens.

She is the wife of Roger Stevens, president of the Kennedy Center for the Performing Arts and the government's former cultural chief. Mrs. Stevens is president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation.

IMPORTED ANIMALS

She described wretched conditions of animals that Custom inspectors have overlooked. (They are charged with checking on condition of imported animals.) She told of continued conditions of cramped laboratory housing and of the inhumane environment in many municipal and roadside zoos. Quoting Dr. Desmond Morris, author of the "Naked Ape," she said, "If zoos are to sur-

vive the 20th century, they will have to reform." She introduced into the record a letter in behalf of the Whitehurst bill from Virginia McKenna and Bill Travers, stars of the film "Born Free" and patrons of the Captive Animals Protection Society.

The arrival of dogs and cats at animal auction sales was described by Frank McMahon, field director of the Humane Society of the United States. "I've seen them chained within the trunks of cars. I've seen them jammed in crates and cages. I've seen them sold by the pound." Humane agents of local societies are given rough treatment, he said and under the existing federal law these auctions are exempt from regulation.

The legislation now speeding toward the congressional deadline embodies many of the suggestions made by the men and women who know the problem first hand. Auctions are included. Animal categories have been broadened. Fines for resisting agents have been stiffened. But most important, the Agriculture Committee called for the use of appropriate pain-killers for research animals whenever possible.

(When Agriculture sets the standards for humane handling many humanitarians trust that life-time caging of such research animals as dogs will be eliminated.)

Some of the additions to the Whitehurst bill were called for in bills introduced by Rep. Thomas S. Foley, D-Wash., and in the Senate by Warren Magnuson, D-Wash., Alan Cranston, D-Calif., and William G. Spong, D-Va. When the bill was favorably discharged from the House Agriculture Committee, it bore the name of each member. An exact copy was introduced in the Senate by Robert J. Dole, R-Kan. Hearings by Senator Philip A. Hart's Commerce sub-committee are expected any day.

Even with the evaporation of much of the scientific community's opposition to lab animal legislation and even with the good chance that this measure will miraculously pass this session, there are other hurdles. One is money.

The burden on the Department of Agriculture will be heavier, making necessary the employment of more inspectors. These men, also, have the added duty in coming years of policing the horse shows to see that no "walking horse" brought across state lines has been "sored" to make it step high, wide and handsome. The famous Tydings "walking horse" bill is now awaiting Presidential signature. Sen. Joseph Tydings, D-Md., sponsored it in this session of Congress.

As this session adjourns, left at the post are at least 10 other animal protection measures; air transportation regulations, cessation of shooting wolves and other animals from airplanes over federal lands, elimination of use of agonizing poisons in the government's predator control programs, better conditions at the ports of entry such as Miami. The list is long—but the abuse and suffering have gone on a long time, too.

But at last, what has been described as the "silent lobby" has found its voice. Or could it be that man, for a change, is listening to voices other than his own?

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 19846) was ordered to a third reading, was read the third time, and passed.

RELIEF OF ARTHUR JEROME OLINGER

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 703.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate the amendment of the House of Representatives to the bill (S. 703) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually which was to strike out all after the enacting clause, and insert:

That notwithstanding the limitations of subsection (b) (1) of section 2733 of title 10 of the United States Code, or any other statute of limitations, the claim of Arthur Jerome Olinger, a minor, for injuries and consequent disability resulting from a fall on or about September 29, 1962, from an upper floor of Government quarters known as Feevren Strasse II, Warner Barracks, Bamberg, Germany, filed within one year of the effective date of this Act shall be held to a timely claim and shall be received, considered, settled, and, if meritorious, paid in accordance with the otherwise applicable provisions of section 2733 of title 10 of the United States Code. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MAINTENANCE AND OPERATION OF THE KENDALL SCHOOL AS A DEMONSTRATION ELEMENTARY SCHOOL FOR THE DEAF

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 4083.

The PRESIDING OFFICER (Mr. SPONG) laid before the Senate the amendment of the House of Representatives to the bill (S. 4083) to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes, which was on page 3, strike out lines 4 through 12, inclusive, and insert:

SEC. 5. (a) The second proviso of the first paragraph under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" of the first section of the Act of March 2, 1889 (D.C. Code, sec. 31-1010), is repealed.

(b) The proviso and the last sentence in the paragraph having a side heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of March 1, 1901 (D.C. Code, sec. 31-1008), is repealed.

(c) The last sentence under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of March 3, 1905 (D.C. Code, sec. 31-1011), is repealed.

(d) The last sentence of the first paragraph under the heading "COLUMBIA INSTITUTION FOR THE DEAF AND DUMB" in the first section of the Act of June 27, 1906 (D.C. Code, sec. 31-1011), is repealed.

(e) The Act of November 7, 1966 (D.C. Code, sec. 31-1010a), and each subsequent Act making appropriations for Gallaudet College, are amended by striking out the proviso under the heading "Gallaudet College, Salaries and Expenses" in each such Act.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MILLOYE M. SOKITCH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1383, H.R. 3571.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3571) for the relief of Miloye M. Sokitch.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1374), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Foreign Claims Settlement Commission to receive, consider, and act upon the claims of Miloye M. Sokitch, or his legal representative, under title III of the Foreign Claims Settlement Act of 1949, as amended, against the Government of Italy as if they had been filed within the time limit and manner prescribed under the act. Should the Commission determine the claim is meritorious, the bill authorizes the Commission to certify the award to the Secretary of the Treasury for payment out of balances remaining in the Italian claims fund. In order to be considered the claim would have to be filed within 6 months of the date of enactment of the bill into law.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee set forth the facts of the case as follows:

"This bill would make it possible for the Commission to consider and settle a claim under an amendment to the Foreign Claims Act which permitted the consideration of such claims but failed to provide a period after enactment for the filing of such a claim. The result was that only claims filed before the Commission was authorized to consider such claims could be considered as 'timely filed.' As is noted in the Foreign Claims Settlement Commission report, the original claims provisions only permitted claims by persons who were U.S. citizens on the date of the loss or destruction of property giving rise to the claim. On August 8, 1958, Public Law 85-604 was enacted to permit awards to persons who were nationals of the United States on August 9, 1955, the date of enactment of title III of the act, even though their claims were based upon property lost at an earlier date. The amendment thus broadened the international law principle requiring continuous U.S. nationality of a claim from the date of loss to the date of filing.

"The information before the committee indicates that Mr. Sokitch's claim would have been covered by the amendment had there been an opportunity for him to file after its enactment. The report of the Foreign Claims Settlement Commission refers to the fact that after that enactment, all claims previously denied under the original provisions of the act because of failure to qualify under the international law principle, but which would be eligible for awards under the amendment, had to be reconsidered. In all, 146 claims were considered and amounts of awards made under the amend-

ment totaled \$606,464. However, the inequity of the situation was that the Commission required that in order to be considered the claim had to have been filed within the time limit for claims under the original act. That is, by September 30, 1956, or nearly 2 years prior to the enactment of Public Law 85-604 on August 8, 1958.

"As is noted in the Commission's report Mr. Sokitch became a national of the United States on April 11, 1947, and, therefore, his claim, if timely filed, would not have been eligible under the original provisions of the act since it was not owned by a national of the United States continuously from the date of loss. However, his claim would have come within the group to be considered under the Public Law 85-604 amendment provided that it was filed under those original provisions. The committee feels that this imposed an impossible burden upon Mr. Sokitch.

"As is clearly stated in the Commission's report, Mr. Sokitch was no eligible to claim under the original act, but the ruling by that Commission as to filing would have required him to file under the original act in order to be considered under a subsequent amendment making him eligible. The amendment itself apparently contained no provision fixing a date to file. While the Commission may have had no alternative, the result was inequitable in Mr. Sokitch's case. Here he did in fact file a claim after the amendment. On September 18, 1959, Mr. Sokitch filed this claim (No. IT-10,597) with the Commission against the Government of Italy in the amount of \$215,200 for losses to property occurring during the years 1941-43. The claim was denied for the reason that it was filed after the final filing date which, as has been noted, was September 30, 1956.

"The committee was concerned with the statement in the Commission's report concerning the number of 'tardy claimants' and the inference that such persons should be equated to Mr. Sokitch. However a careful reading of the report shows that the Commission has referred to claimants under the original act as well as the amendment, and also to those who have never filed. Mr. Sokitch's claim must be distinguished from both those who were qualified under the original act and did not file in time and those who never filed. Mr. Sokitch should not have been charged with a responsibility to file in a claims program which did not include him, therefore, it is not fair to characterize him as one of a group of late claimants under that program. Secondly, he did file after the amendment and he should not be classified as one of an unspecified number of persons who might have claimed but didn't. As a matter of fact, evidenced by the following two letters, there appears to be only one other claimant who filed after the amendment and who therefore might be equated to Mr. Sokitch in terms of a claim filed after the amendment."

The committee after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 3571, without amendment.

Attached hereto and made a part hereof are: (1) a letter dated December 16, 1969 from Samuel Herman; (2) a letter dated December 29, 1959, from the Foreign Claims Settlement Commission; and (3) a letter dated June 3, 1963, from the Foreign Claims Settlement Commission:

DECEMBER 16, 1959.

Re claim No. IT-10,957, Miloye M. Sokitch. Chairman PEARL C. PACE, Foreign Claims Settlement Commission of the United States, Washington, D.C.

DEAR MRS. PACE: This will refer to the proposed decision received December 9, 1959.

In due course, the claimant proposes to file appropriate objections and request a hearing.

In preparation for this hearing, it would be of great aid, on the issue of timeliness, if

91ST CONGRESS
2^D SESSION

H. R. 19846

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 1970

Received; read twice, considered, read the third time, and passed

AN ACT

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Animal Welfare Act
4 of 1970".

5 SEC. 2. The first section of the Act of August 24, 1966
6 (Public Law 89-544; 80 Stat. 350), as amended, is amended
7 to read as follows: "That, in order to protect the owners of
8 animals, from the theft of their animals, to prevent the sale or
9 use of animals which have been stolen, and to insure that cer-

1 tain animals intended for use in research facilities or for exhi-
2 bition purposes or for use as pets are provided humane care
3 and treatment, it is essential to regulate the transportation,
4 purchase, sale, housing, care, handling, and treatment of such
5 animals by persons or organizations engaged in using them
6 for research or experimental purposes or for exhibition pur-
7 poses or holding them for sale as pets or in transporting, buy-
8 ing, or selling them for any such purpose or use.”

9 SEC. 3. Section 2 of such Act is amended—

10 (1) in subsection (b) by striking the semicolon after
11 the word “Agriculture” and inserting the following: “of
12 the United States or his representative who shall be an
13 employee of the United States Department of Agri-
14 culture;”;

15 (2) in subsection (c) by striking the words “com-
16 merce between any State,” and inserting in lieu thereof
17 the words “trade, traffic, commerce, transportation
18 among the several States, or between any State,”;

19 (3) by striking subsections (d), (e), (f), (g),
20 and (h) and inserting in lieu thereof the following:

21 “(d) The term ‘affecting commerce’ means in com-
22 merce or burdening or obstructing or substantially affecting
23 commerce or the free flow of commerce, or having led or
24 tending to lead to the inhumane care of animals used or in-
25 tended for use for purposes of research, experimentation, ex-

1 hibition, or held for sale as pets, by burdening or obstructing
2 or substantially affecting commerce or the free flow of
3 commerce;

4 “(e) The term ‘research facility’ means any school (ex-
5 cept an elementary or secondary school), institution, organi-
6 zation, or person that uses or intends to use live animals in
7 research, tests, or experiments, and that (1) purchases or
8 transports live animals affecting commerce, or (2) receives
9 funds under a grant, award, loan, or contract from a depart-
10 ment, agency, or instrumentality of the United States for the
11 purpose of carrying out research, tests, or experiments: *Pro-*
12 *vided*, That the Secretary may exempt, by regulation, any
13 such school, institution, organization, or person that does not
14 use or intend to use live dogs or cats, except those schools,
15 institutions, organizations, or persons, which use substantial
16 numbers (as determined by the Secretary) of live animals
17 the principal function of which schools, institutions, organiza-
18 tions, or persons, is biomedical research or testing, when in
19 the judgment of the Secretary, any such exemption does
20 not vitiate the purpose of this Act;

21 “(f) The term ‘dealer’ means any person who for com-
22 pensation or profit delivers for transportation, or transports,
23 except as a common carrier, buys, or sells any animals
24 whether alive or dead, affecting commerce, for research or
25 teaching purposes or for exhibition purposes or for use as

1 pets, but such term excludes any retail pet store except such
2 store which sells any animals to a research facility, an ex-
3 hibitor, or a dealer;

4 “(g) The term ‘animal’ means any live or dead dog, cat,
5 monkey (nonhuman primate mammal), guinea pig, ham-
6 ster, rabbit, or such other warm-blooded animal, as the Sec-
7 retary may determine is being used, or is intended for use,
8 for research, testing, experimentation, or exhibition purposes,
9 or as a pet; but such term excludes horses not used for re-
10 search purposes and other farm animals, such as, but not lim-
11 ited to livestock or poultry, used or intended for use as food
12 or fiber, or livestock or poultry used or intended for use for
13 improving animal nutrition, breeding, management, or pro-
14 duction efficiency, or for improving the quality of food or
15 fiber; and

16 “(h) The term ‘exhibitor’ means any person (public or
17 private) exhibiting any animals, which were purchased in
18 commerce or the intended distribution of which affects com-
19 merce, or will affect commerce, to the public for compensa-
20 tion, as determined by the Secretary, and such term in-
21 cludes carnivals, circuses, and zoos exhibiting such animals
22 whether operated for profit or not; but such term ex-
23 cludes retail pet stores, organizations sponsoring and all
24 persons participating in State and country fairs, livestock
25 shows, rodeos, purebred dog and cat shows, and any other

1 fairs or exhibitions intended to advance agricultural arts and
2 sciences, as may be determined by the Secretary.”

3 SEC. 4. Section 3 of such Act is amended—

4 (1) in the first sentence thereof after the words
5 “licenses to dealers” by inserting the words “and
6 exhibitors”;

7 (2) in the first proviso thereof after the words
8 “until the dealer” by inserting the words “or exhibitor”;

9 (3) in the second proviso thereof after the words
10 “That any” by inserting the words “retail pet store or
11 other”;

12 (4) in the second proviso thereof after the words
13 “as a dealer” insert the words “or exhibitor”; and

14 (5) in the last sentence thereof after the words “as
15 dealers” each time such words appear, insert the words
16 “or exhibitors”.

17 SEC. 5. Section 4 of such Act is amended to read as
18 follows:

19 “SEC. 4. No dealer or exhibitor shall sell or offer to
20 sell or transport or offer for transportation, affecting com-
21 merce, to any research facility or for exhibition or for use
22 as a pet any animal, or buy, sell, offer to buy or sell, trans-
23 port or offer for transportation, affecting commerce, to or
24 from another dealer or exhibitor under this Act any animal,
25 unless and until such dealer or exhibitor shall have obtained a

1 license from the Secretary and such license shall not have
2 been suspended or revoked.”

3 SEC. 6. Section 5 of such Act is amended—

4 (1) by inserting after the words “No dealer” the
5 words “or exhibitor”; and

6 (2) by inserting before the period at the end thereof
7 the proviso “: *Provided*, That operators of auction sales
8 subject to section 12 of this Act shall not be required to
9 comply with the provisions of this section”.

10 SEC. 7. Section 6 of such Act is amended by inserting
11 after the words “research facility” the words “and every ex-
12 hibitor not licensed under section 3 of this Act”.

13 SEC. 8. Section 7 of such Act is amended—

14 (1) by inserting between the words “except” and
15 “a person” the words “an operator of an auction sale
16 subject to section 12 of this Act or”; and

17 (2) by inserting between the words “as a dealer”
18 and “issued” the words “or exhibitor”.

19 SEC. 9. Section 8 of such Act is amended—

20 (1) by inserting after the words “or experimenta-
21 tion” the words “or exhibition”;

22 (2) by inserting between the words “except” and
23 “a person” the words “an operator of an auction sale sub-
24 ject to section 12 of this Act or”; and

1 (3) by inserting between the words “as a dealer”
2 and “issued” the words “or exhibitor”.

3 SEC. 10. Section 9 of such Act is amended to read as
4 follows:

5 “SEC. 9. When construing or enforcing the provisions of
6 this Act, the act, omission, or failure of any person acting
7 for or employed by a research facility, a dealer, or an exhibi-
8 tor or a person licensed as a dealer or an exhibitor pursuant
9 to the second sentence of section 3, or an operator of an auc-
10 tion sale subject to section 12 of this Act, within the scope
11 of his employment or office, shall be deemed the act, omis-
12 sion, or failure of such research facility, dealer, exhibitor,
13 licensee, or an operator of an auction sale as well as of such
14 person.”

15 SEC. 11. Section 10 of such Act is amended to read as
16 follows:

17 “SEC. 10. Dealers and exhibitors shall make and retain
18 for such reasonable period of time as the Secretary may
19 prescribe, such records with respect to the purchase, sale,
20 transportation, identification, and previous ownership of
21 animals as the Secretary may prescribe, upon forms supplied
22 by the Secretary. Research facilities shall make and retain
23 such records only with respect to the purchase, sale, trans-
24 portation, identification, and previous ownership of live

1 dogs and cats. Such records shall be made available at all
2 reasonable times for inspection and copying by the Secre-
3 tary.”

4 SEC. 12. Section 11 of such Act is amended—

5 (1) by striking the words “dogs and cats” and
6 inserting in lieu thereof the word “animals”;

7 (2) by striking the words “in commerce by any
8 dealer” and inserting in lieu thereof the words “, affect-
9 ing commerce, by a dealer or exhibitor”; and

10 (3) by striking the period at the end thereof and
11 inserting the following: “: *Provided*, That only live dogs
12 and cats need be so marked or identified by a research
13 facility.”.

14 SEC. 13. Section 12 of such Act is amended to read as
15 follows:

16 “SEC. 12. The Secretary is authorized to promulgate
17 humane standards and recordkeeping requirements govern-
18 ing the purchase, handling, or sale of animals, affecting com-
19 merce, by dealers, research facilities, and exhibitors at
20 auction sales and by the operators of such auction sales. The
21 Secretary is also authorized to require the licensing of opera-
22 tors of auction sales where any dogs or cats are sold, affecting
23 commerce, under such conditions as he may prescribe, and
24 upon payment of such fee as prescribed by the Secretary
25 under section 23 of this Act.”

SEC. 14. Section 13 of such Act is amended to read as follows:

“SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic,

1 analgesic, and tranquilizing drugs, during experimentation
2 are being followed by the research facility during actual
3 research or experimentation.”

4 SEC. 15. Section 14 of such Act is amended by adding
5 at the end thereof the following new sentence: “Any depart-
6 ment, agency, or instrumentality of the United States exhibit-
7 ing animals shall comply with the standards promulgated by
8 the Secretary under section 13.”

9 SEC. 16. Section 15 of such Act is amended—

10 (1) in subsection (a) by striking the words “or
11 experimentation” and inserting in lieu thereof the words
12 “, experimentation or exhibition”; and

13 (2) in subsection (b) by striking the word “ef-
14 fectuating” and inserting in lieu thereof the words
15 “carrying out”.

16 SEC. 17. Section 16 of such Act is amended to read as
17 follows:

18 “SEC. 16. (a) The Secretary shall make such investi-
19 gations or inspections as he deems necessary to determine
20 whether any dealer, exhibitor, research facility, or operator
21 of an auction sale subject to section 12 of this Act, has vio-
22 lated or is violating any provision of this Act or any regula-
23 tion or standard issued thereunder, and for such purposes,
24 the Secretary shall, at all reasonable times, have access to
25 the places of business and the facilities, animals, and those

1 records required to be kept pursuant to section 10 of any
2 such dealer, exhibitor, research facility, or operator of an
3 auction sale. The Secretary shall promulgate such rules and
4 regulations as he deems necessary to permit inspectors to
5 confiscate or destroy in a humane manner any animal found
6 to be suffering as a result of a failure to comply with any
7 provision of this Act or any regulation or standard issued
8 thereunder if (1) such animal is held by a dealer, (2) such
9 animal is held by an exhibitor, (3) such animal is held by a
10 research facility and is no longer required by such research
11 facility to carry out the research, test, or experiment for
12 which such animal has been utilized, or (4) such animal is
13 held by an operator of an auction sale.

14 “(b) Any person who forcibly assaults, resists, opposes,
15 impedes, intimidates, or interferes with any person while en-
16 gaged in or on account of the performance of his official duties
17 under this Act shall be fined not more than \$5,000, or im-
18 prisoned not more than three years, or both. Whoever, in the
19 commission of such acts, uses a deadly or dangerous weapon
20 shall be fined not more than \$10,000, or imprisoned not more
21 than ten years, or both. Whoever kills any person while en-
22 gaged in or on account of the performance of his official duties
23 under this Act shall be punished as provided under sections
24 1111 and 1114 of title 18, United States Code.

25 “(c) For the efficient administration and enforcement of

1 this Act, the provisions (including penalties) of sections 6, 8,
2 9, and 10 of the Act entitled "An Act to create a Federal
3 Trade Commission, to define its powers and duties, and for
4 other purposes," approved September 26, 1914 (38 Stat.
5 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (ex-
6 cept paragraph (c) through (h) of section 6 and the last
7 paragraph of section 9), and the provisions of Title II
8 of the "Organized Crime Control Act of 1970" (62 Stat.
9 856; 18 U.S.C. 6001 et seq.), are made applicable to the
10 jurisdiction, powers, and duties of the Secretary in adminis-
11 tering and enforcing the provisions of this Act and to any
12 person, firm, or corporation with respect to whom such
13 authority is exercised. The Secretary may prosecute any
14 inquiry necessary to his duties under this Act in any part of
15 the United States, including any territory, or possession
16 thereof, the District of Columbia, or the Commonwealth of
17 Puerto Rico. The powers conferred by said sections 9 and 10
18 of the Act of September 26, 1914, as amended, on the district
19 courts of the United States may be exercised for the purposes
20 of this Act by any district court of the United States. The
21 United States district courts, the District Court of Guam, the
22 District Court of the Virgin Islands, the highest court of
23 American Samoa, and the United States courts of the other
24 territories, are vested with jurisdiction specifically to enforce,
25 and to prevent and restrain violations of this Act, and shall

1 have jurisdiction in all other kinds of cases arising under this
2 Act, except as provided in sections 19 (b) and 20 (b) of
3 this Act.”

4 SEC. 18. Section 17 of such Act is amended by striking
5 the phrase “issue rules and regulations requiring licensed
6 dealers and research facilities” and inserting in lieu thereof
7 the phrase “promulgate rules and regulations requiring deal-
8 ers, exhibitors, research facilities, and operators of auction
9 sales subject to section 12 of this Act”.

10 SEC. 19. Section 18 of such Act is repealed.

11 SEC. 20. Section 19 of such Act is amended to read as
12 follows:

13 “SEC. 19. (a) If the Secretary has reason to believe
14 that any dealer, exhibitor, or operator of an auction sale sub-
15 ject to section 12 of this Act, has violated or is violating any
16 provisions of this Act, or any of the rules or regulations or
17 standards promulgated by the Secretary hereunder, he may
18 make an order that such person shall cease and desist from
19 continuing such violation, and if such person is licensed under
20 this Act, the Secretary may also suspend such person’s license
21 temporarily, but not to exceed twenty-one days, and after
22 notice and opportunity for hearing, may suspend for such
23 additional period as he may specify, or revoke such license, if
24 such violation is determined to have occurred. Any dealer,
25 exhibitor, or operator of an auction sale subject to section 12

1 of this Act, who knowingly fails to obey a cease and desist
2 order made by the Secretary under this section, shall be
3 subject to a civil penalty of \$500 for each offense, and each
4 day during which such failure continues, shall be deemed a
5 separate offense.

6 “(b) Any dealer, exhibitor, or operator of an auction
7 sale aggrieved by a final order of the Secretary issued pur-
8 suant to subsection (a) of this section may, within sixty days
9 after entry of such an order, seek review of such order in the
10 United States court of appeals for the circuit in which such
11 person has his principal place of business, or in the United
12 States Court of Appeals for the District of Columbia Circuit,
13 in accordance with the provisions of sections 701–706 of title
14 5, United States Code. Judicial review of any such order
15 shall be upon the record upon which the final determination
16 and order of the Secretary were based.

17 “(c) Any dealer, exhibitor, or operator of an auction
18 sale subject to section 12 of this Act, who violates any pro-
19 vision of this Act shall, on conviction thereof, be subject
20 to imprisonment for not more than one year, or a fine of
21 not more than \$1,000, or both.”

22 SEC. 21. Section 20 of such Act is amended—

23 (1) in subsection (a) by striking the words “rules
24 or regulations” and inserting in lieu thereof the words
25 “rules, regulations, or standards”; and

1 (2) by amending subsection (b) to read as follows:

2 “(b) Any research facility aggrieved by a final order
3 of the Secretary, issued pursuant to subsection (a) of this
4 Act, may within sixty days after entry of such order, seek
5 review of such order in the United States court of appeals
6 for the circuit in which such research facility has its principal
7 place of business, or in the United States Court of Appeals
8 for the District of Columbia Circuit, in accordance with the
9 provisions of sections 701–706 of title 5, United States Code.
10 Judicial review of any such order shall be upon the record
11 upon which the final determination and order of the Sec-
12 retary were based.”

13 SEC. 22. Such Act is further amended by adding at the
14 end thereof the following new section:

15 “SEC. 25. Not later than March of each year following
16 the enactment of the “Animal Welfare Act of 1970”, the
17 Secretary shall submit to the President of the Senate and
18 the Speaker of the House of Representatives a comprehensive
19 and detailed written report with respect to—

20 “(1) the identification of all research facilities,
21 exhibitors, and other persons and establishments licensed
22 by the Secretary under section 3 and section 12 of this
23 Act;

24 “(2) the nature and place of all investigations and

1 inspections conducted by the Secretary under section 16
2 of this Act, and all reports received by the Secretary
3 under section 13 of this Act; and

4 “(3) recommendations for legislation to improve
5 the administration of this Act or any provisions thereof.

6 This report as well as any supporting documents, data, or
7 findings shall not be released to any other persons, non-Fed-
8 eral agencies, or organizations unless and until it has been
9 made public by an appropriate committee of the Senate or
10 the House of Representatives.”

11 SEC. 23. The amendments made by this Act shall take
12 effect one year after the date of enactment of this Act, ex-
13 cept for the amendments to sections 16, 17, 19, and 20 of the
14 Act of August 24, 1966, which shall become effective thirty
15 days after the date of enactment of this Act.

Passed the House of Representatives December 7, 1970.

Attest:

W. PAT JENNINGS,

Clerk.

91ST CONGRESS
2d Session

H. R. 19846

AN ACT

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

DECEMBER 8, 1970

Received; read twice, considered, read the third time,
and passed



Public Law 91-579
91st Congress, H. R. 19846
December 24, 1970

An Act

84 STAT. 1560

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Act of 1970".

Animal Welfare
Act of 1970.

SEC. 2. The first section of the Act of August 24, 1966 (Public Law 89-544; 80 Stat. 350), as amended, is amended to read as follows: "That, in order to protect the owners of animals, from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use."

7 USC 2131.

SEC. 3. Section 2 of such Act is amended—

7 USC 2132.

(1) in subsection (b) by striking the semicolon after the word "Agriculture" and inserting the following: "of the United States or his representative who shall be an employee of the United States Department of Agriculture;"

(2) in subsection (c) by striking the words "commerce between any State," and inserting in lieu thereof the words "trade, traffic, commerce, transportation among the several States, or between any State,"

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

"(d) The term 'affecting commerce' means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;

"Affecting
commerce."

"(e) The term 'research facility' means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: *Provided*, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act;

"Research
facility."

"(f) The term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such

"Dealer."

84 STAT. 1561

store which sells any animals to a research facility, an exhibitor, or a dealer;

"Animal."

"(g) The term 'animal' means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber; and

"Exhibitor."

"(h) The term 'exhibitor' means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary."

Licenses,
dealers and
exhibitors.
80 Stat. 351.
7 USC 2133.

SEC. 4. Section 3 of such Act is amended—

(1) in the first sentence thereof after the words "licenses to dealers" by inserting the words "and exhibitors";

(2) in the first proviso thereof after the words "until the dealer" by inserting the words "or exhibitor";

(3) in the second proviso thereof after the words "That any" by inserting the words "retail pet store or other";

(4) in the second proviso thereof after the words "as a dealer" insert the words "or exhibitor"; and

(5) in the last sentence thereof after the words "as dealers" each time such words appear, insert the words "or exhibitors".

7 USC 2134.

SEC. 5. Section 4 of such Act is amended to read as follows:

"SEC. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked."

7 USC 2135.

SEC. 6. Section 5 of such Act is amended—

(1) by inserting after the words "No dealer" the words "or exhibitor"; and

(2) by inserting before the period at the end thereof the proviso " : *Provided*, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section".

Post, p. 1562.

Registration.
7 USC 2136.
Supra.
Purchase
restrictions.
7 USC 2137.

SEC. 7. Section 6 of such Act is amended by inserting after the words "research facility" the words "and every exhibitor not licensed under section 3 of this Act".

SEC. 8. Section 7 of such Act is amended—

(1) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(2) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

SEC. 9. Section 8 of such Act is amended—

(1) by inserting after the words "or experimentation" the words "or exhibition";

(2) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(3) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

SEC. 10. Section 9 of such Act is amended to read as follows:

"SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person."

SEC. 11. Section 10 of such Act is amended to read as follows:

"SEC. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary."

SEC. 12. Section 11 of such Act is amended—

(1) by striking the words "dogs and cats" and inserting in lieu thereof the word "animals";

(2) by striking the words "in commerce by any dealer" and inserting in lieu thereof the words "affecting commerce, by a dealer or exhibitor"; and

(3) by striking the period at the end thereof and inserting the following: "Provided, That only live dogs and cats need be so marked or identified by a research facility."

SEC. 13. Section 12 of such Act is amended to read as follows:

"SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act."

SEC. 14. Section 13 of such Act is amended to read as follows:

"SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian

U. S. agencies,
transactions.
80 Stat. 351.
7 USC 2138.

Infra.

Enforcement.
7 USC 2139.

Ante, p. 1561.

Recordkeeping.
7 USC 2140.

Identification.
7 USC 2141.

Humane
standards,
auction sales.
7 USC 2142.

7 USC 2153.
Humane
standards,
promulgation.
7 USC 2143.

84 STAT. 1563

Experts and
consultants.

Annual
report.

80 Stat. 352.
7 USC 2144.

Ante, p. 1562.
7 USC 2145.

Inspections.
7 USC 2146.

Penalties.

62 Stat. 756.
65 Stat. 721;
76 Stat. 132.

of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation."

SEC. 15. Section 14 of such Act is amended by adding at the end thereof the following new sentence: "Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13."

SEC. 16. Section 15 of such Act is amended—

(1) in subsection (a) by striking the words "or experimentation" and inserting in lieu thereof the words ", experimentation or exhibition"; and

(2) in subsection (b) by striking the word "effectuating" and inserting in lieu thereof the words "carrying out".

SEC. 17. Section 16 of such Act is amended to read as follows:

"SEC. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define

its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraph (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970" (62 Stat. 856; 18 U.S.C. 6001 et seq.), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act."

SEC. 18. Section 17 of such Act is amended by striking the phrase "issue rules and regulations requiring licensed dealers and research facilities" and inserting in lieu thereof the phrase "promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act".

SEC. 19. Section 18 of such Act is repealed.

SEC. 20. Section 19 of such Act is amended to read as follows:

"SEC. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on

Ante, p. 926.

Jurisdiction.

Infra.

Post, p. 1565.
80 Stat. 352.
7 USC 2147.

Ante, p. 1562.
Repeal.
Dealer license
suspension.
7 USC 2149.

Judicial
review.

80 Stat. 392.

Penalty.

84 STAT. 1565

Research facilities, violations. 80 Stat. 353. 7 USC 2150.

Judicial review.

80 Stat. 392.

Report to President of the Senate and Speaker of the House.

Ante, pp. 1561, 1562.

Effective dates.

conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both."

SEC. 21. Section 20 of such Act is amended—

(1) in subsection (a) by striking the words "rules or regulations" and inserting in lieu thereof the words "rules, regulations, or standards"; and

(2) by amending subsection (b) to read as follows:

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

SEC. 22. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 25. Not later than March of each year following the enactment of the "Animal Welfare Act of 1970", the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

"(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act or any provisions thereof.

This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

SEC. 23. The amendments made by this Act shall take effect one year after the date of enactment of this Act, except for the amendments to sections 16, 17, 19, and 20 of the Act of August 24, 1966, which shall become effective thirty days after the date of enactment of this Act.

Approved December 24, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1651 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 116 (1970):

Dec. 7, considered and passed House.

Dec. 8, considered and passed Senate.

